

## PLANNING REGULATORY BOARD

Date:- Thursday, 12 July 2018      Venue:- Town Hall, Moorgate Street,  
Rotherham. S60 2TH  
Time:- 10.00 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 21st June, 2018 (herewith) (Pages 2 - 7)
6. Deferments/Site Visits (information attached) (Pages 8 - 9)
7. Development Proposals (herewith) (Pages 10 - 56)
8. Updates
9. Date of next meeting - Thursday, 2nd August, 2018 at 9.00 a.m.

### Membership of the Planning Board 2018/19

Chairman – Councillor Sheppard  
Vice-Chairman – Councillor Williams  
Councillors Andrews, Atkin, Bird, D. Cutts, M. S. Elliott, Fenwick-Green, Ireland,  
Sansome, John Turner, Tweed, Walsh and Whysall.



**SHARON KEMP,**  
Chief Executive.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**PLANNING BOARD**

**MEMBERS' DECLARATION OF INTEREST**

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

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

**1. Disclosable Pecuniary**

**2. Personal**

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

*(Please continue overleaf if necessary)*

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

Signed:- .....

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

**PLANNING BOARD**  
**Thursday, 21st June, 2018**

Present:- Councillor Sheppard (in the Chair); Councillors Atkin, Bird, D. Cutts, Mallinder, Sansome, John Turner, Tweed, Walsh, Whysall and Williams.

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

The webcast of the Council Meeting can be viewed at:-  
<https://rotherham.public-i.tv/core/portal/home>

**1. DECLARATIONS OF INTEREST**

Councillor Atkin declared a personal interest in application RB2018/0527 (change of use to fish and chips restaurant at Maltby Fire Station, High Street, Maltby) on the grounds of being member of the South Yorkshire Fire and Rescue Authority and left the room whilst this item was discussed.

Councillor Mallinder declared a personal interest in application RB2018/0527 (change of use to fish and chips restaurant at Maltby Fire Station, High Street, Maltby) on the grounds of her daughter's connection to the restaurant and left the room whilst this item was discussed.

**2. MINUTES OF THE PREVIOUS MEETING HELD ON 31ST MAY, 2018**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 31st May, 2018, be approved as a correct record for signature by the Chairman.

**3. DEFERMENTS/SITE VISITS**

There were no site visits nor deferrals recommended.

**4. 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:-

- Single storey side & rear extension to existing building to form A1 retail unit including ATM and associated works at Land adj to The Cutler PH Woodsetts Road North Anston for Tesco Stores Limited (RB2015/0777)

PLANNING BOARD - 21/06/18

Mr. B. Train (Applicant)  
Mrs. C. Bhullar (Objector)  
Mr. M. Moy (Objector)  
Mr. Keeton (Objector)  
Mr. Widdowson (Objector)  
Mrs. Widdowson (Objector)  
Parish Councillor D. Graham (Objector)  
Ward Councillor C. Jepson (Objector)

- Display of 1 No. illuminated fascia sign and various non illuminated and illuminated signs at Land adj to The Cutler PH Woodsetts Road North Anston for Tesco Stores Limited (RB205/0779)

Mr. Keeton (Objector)  
Mrs. Widdowson (Objector)  
Mrs. D. Graham (Objector)  
Councillor C. Jepson (Objector)

- Erection of 85 dwelling houses with associated landscaping, on site open space, parking and access points at Land at Poplar Way Catcliffe for Barratt & David Wilson Homes (RB2018/0441)

Ms. M. Corbett (Applicant)

- Change of use to fish and chips restaurant/takeaway (Use Class A3/A5) at Maltby Fire Station High Street Maltby for Mr. J. Radford (RB2018/0527)

Mr. J. Radford (Applicant)  
Mrs. N. Avgousti (Objector)  
Mr. P. Norris (Objector)  
Mr. J. Kirk (Objector)

- Change of use of restaurant to restaurant and drinking establishment (Use Class A3/A4) at 284 Bawtry Road, Wickersley for Mrs. Reed (RB2018/0560)

Mr. D. Reed (Applicant)  
Mr. P. Thirlwall (Objector)  
Ms. A. Chopra (Objector)  
Ms. S. Line (Objector)  
Mr. D. Walters (Objector)  
Ms. M. Lee (Objector)  
Mr. C. Barber (Objector)

- (2) That applications RB2015/0777 and RB2018/0560 be refused for the reasons adopted by Members at the meeting.

(3) That applications RB2015/0779, RB2018/0361, RB2018/0441, RB2018/591 and RB2018/0682 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(4) That application RB2018/0527 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and subject to a further amendment to Condition No. 3 to now read:-

03

The use hereby permitted shall only be open to customers or for deliveries between the hours of 11:30 – 22:00.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

5. **COURTESY CONSULTATION IN RESPECT OF PROPOSED PHASE 1 (FULL APPLICATION) ERECTION OF 2 UNITS - 16,615 SQ. M OF B1C/B2/B8 FLOORSPACE AND PROVISION OF ASSOCIATED ACCESS AND LANDSCAPING; PHASE 2 (OUTLINE APPLICATION) DETAILS OF ACCESS FOR UPTO 61,230 SQ. M OF B1C/B2/B8 FLOORSPACE AT FORMER OUTOKUMPU, SHEEPCOTE LANE, SHEFFIELD, S9 2RA FOR PEEL LOGISTICS PROPERTY (RB2017/1439)**

Consideration was given to a report by the Assistant Director of Planning, Regeneration and Transportation which detailed a courtesy consultation from Sheffield City Council in respect of a proposed Phase 1 (full application) erection of 2 units - 16,615 sq. m of B1c/B2/B8 floorspace and provision of associated access and landscaping; Phase 2 (Outline application) details of access for up to 61,230 sq. m of B1c/B2/B8 floorspace at former Outokumpu, Sheepecote Lane, Sheffield, S9 2RA for Peel Logistics Property.

Resolved:- (1) That Sheffield City Council be thanked for the opportunity to comment on this application.

(2) That Sheffield City Council be informed that this Council did not wish to object to the above proposal.

**6. COURTESY CONSULTATION IN RESPECT OF OUTLINE PLANNING APPLICATION WITH SOME MATTERS RESERVED (APPROVAL BEING SOUGHT FOR ACCESS) FOR AN EMPLOYMENT-LED DEVELOPMENT OF B1/B2/B8 USES AT LAND AT SHIREOAKS COMMON, SHIREOAKS, NOTTINGHAMSHIRE FOR BASSETLAW DISTRICT COUNCIL (18/00413/OUT) (RB2018/0623)**

Consideration was given to a report by the Assistant Director of Planning, Regeneration and Transportation which detailed a courtesy consultation from Bassetlaw District Council in respect of an outline planning application with some matters reserved (Approval being sought for Access) for an employment-led development of B1/B2/B8 Uses at Land at Shireoaks Common, Shireoaks, Nottinghamshire.

Resolved:- (1) That Bassetlaw District Council be thanked for the opportunity to comment on this application.

(2) That Bassetlaw District Council be informed that this Council did not wish to object to the above proposal subject to a condition requiring buffer planting on the boundary with Rotherham's Green Belt.

**7. APPEAL DECISION - HARTHILL EXPLORATORY WELL PUBLIC INQUIRY**

Consideration was given to a report by the Assistant Director of Planning, Regeneration and Transportation which detailed an appeal following the public inquiry against the refusal of the Harthill Exploratory Well.

Prior to the commencement of the Inquiry the applicant submitted further information to address the highways objection to the scheme, including the provision of temporary traffic stop and go boards, which were accepted at officer level though rejected by Planning Board.

During the course of the Inquiry the Council withdrew its opposition to the proposals on ecological grounds (and at the same time agreed with the appellant that no applications for costs would be submitted by either party).

Since the closure of the Inquiry, on 17 May 2018 the Secretary of State for Business, Energy and Industrial Strategy made a Written Statement to Parliament on Energy Policy, which strongly supported the exploration and development of onshore shale gas resources, and the Inspector took this in to account as a material consideration.

The Inspector considered that the main issues in this case were:-

- i) whether the proposal would represent inappropriate development in the Green Belt having regard to the NPPF; and
- ii) the effect of the proposal on the existing uses of the highways in the surrounding area.

Taking all this into account (set out in detail as part of the report) the Inspector concluded that the development could have a negative, but not significant, impact on features of biodiversity value for the period of the development and that the development would detract from, and be harmful to, the landscape and visual character of the surrounding area. These matters would not, however, outweigh the benefits from the investigation proposed in terms of future energy supplies, to which he gives great weight.

Having taken into account all other matters raised, including cumulative effects, the Inspector concludes that none carried sufficient weight to alter the decision subject to relevant conditions. The decision notice included thirty conditions, some of which were 'pre-commencement' conditions that have to be addressed before the development took place.

Resolved:- That the decision to allow the appeal, be noted.

## **8. UPDATES**

The following matters were discussed:-

### **(1) Tour of Completed Developments 2018**

Members were reminded of the arrangements for the Planning Board's tour of completed developments, which would be taking place on Friday, 22nd June, 2018.

(2) Appeal Decision - Demolition of conservatory and triple garage, conversion and extension of outbuilding to create dwellinghouse and formation of new access drive at Newcroft, 19 Woodsetts Road, Gildingwells for Mr. Standfield (RB2017/0550)

Further to Minute No. 39 of the meeting of the Planning Board held on 26<sup>th</sup> October, 2017, Members were informed that the appeal against this Council's refusal of the above application for planning permission had been allowed by the Planning Inspectorate and the planning permission had now been granted.

The Inspector considered that the extensions to the existing building are disproportionate and therefore represent inappropriate development in the Green Belt.

He felt that whilst the design was overtly modern it would respect its context and represent an appropriate contemporary interpretation of the larger dwellings in the Conservation Area whilst adding to the variety of building styles evident in the locality. He did not consider that the new dwelling would be out of keeping with the mixed pattern of development on this edge of the Conservation Area.

In terms of the impact on nearby residents the Inspector noted that, whilst the proposed development included a new drive and would increase vehicular usage of the existing access track, such movements would be brief and relatively infrequent, and as such the adjoining occupiers' living conditions would not be materially harmed.

He noted that the volume of the retained and extended summer house to form the proposed dwelling would be marginally less than that of the three existing outbuildings according to the appellant's calculations, which were not disputed by the Council. As a result there would be a net gain in openness, albeit very modest. Openness was one of the essential characteristics of the Green Belt according to the Framework and he gave significant weight to this argument in favour of the proposed development.

An application for costs against the Council was dismissed as the Inspector was satisfied that the Council had given reasoned arguments for each reason for refusal, referring to relevant Local Plan and National Policy.

**9. DATE OF NEXT MEETING**

Resolved:- That the next meeting of the Planning Board take place on Thursday, 12<sup>th</sup> July, 2018 at 9.00 a.m.



**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 Assistant Director of the 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 Assistant Director of Planning, Regeneration and Transport 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 Assistant Director of Planning, Regeneration and Transport.
- 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 Chair and Vice-Chair 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 Chair 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 12 July 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.

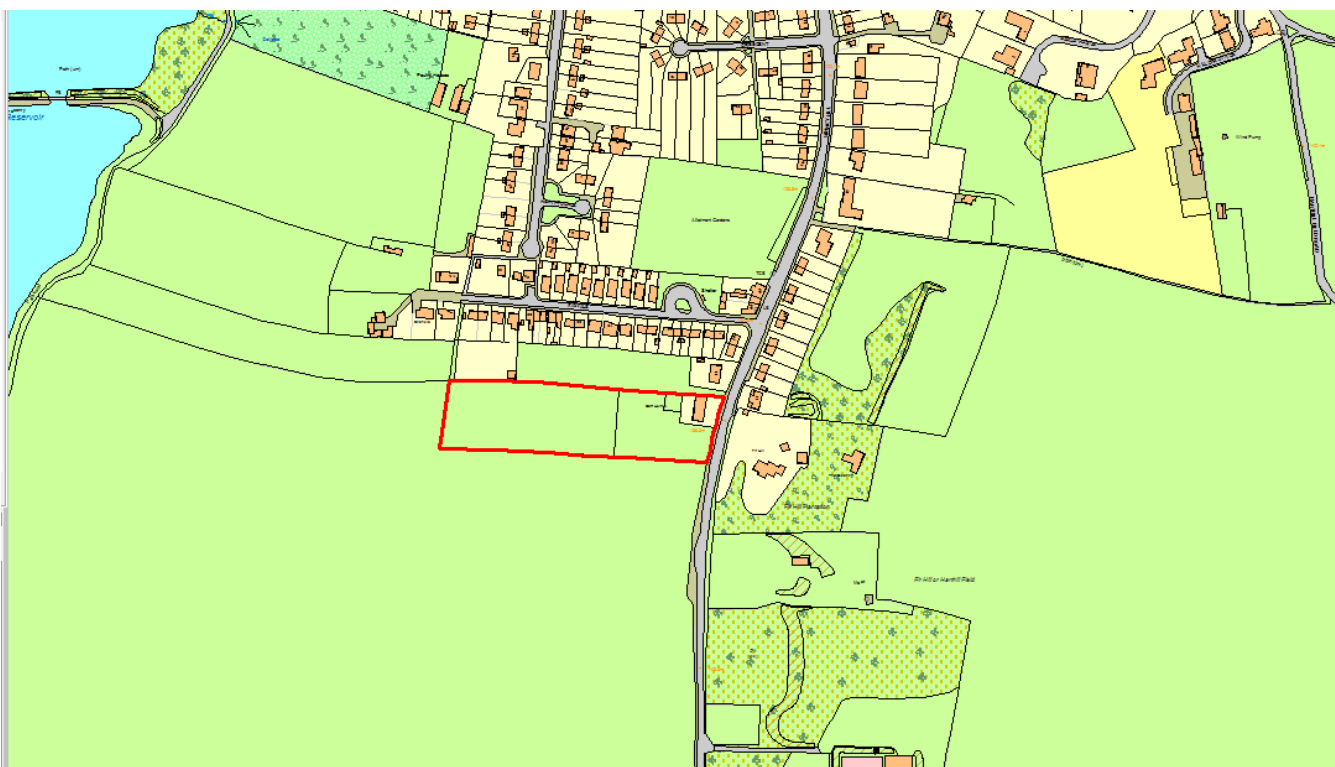
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<b>RB2016/1227</b> <b>Demolition of existing bungalow &amp; erection of 27 No. dwellinghouses including details of access, landscaping &amp; car parking at land at Carr Holme Winney Hill Harthill for Jones Homes</b>	<b>Page 11</b>
<b>RB2018/0596</b> <b>Erection of retail foodstore (use class A1) with associated car parking, reconfigured access, landscaping, servicing &amp; associated works at land off Doncaster Road Dalton for Lidl UK GmbH</b>	<b>Page 33</b>

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 12 July 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.

<b>Application Number</b>	<b>RB2016/1227</b>
<b>Proposal and Location</b>	<b>Demolition of existing bungalow &amp; erection of 24 No. dwellinghouses including details of access, landscaping &amp; car parking, land at Carr Holme, Winney Hill, Harthill</b>
<b>Recommendation</b>	<p>A . That the applicant enters into a Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> <li>• Provision of 25% affordable housing on site</li> <li>• Commuted sum of £500 per dwelling towards sustainable transport measures</li> <li>• Provision of a management company to manage/maintain areas of open space on the site.</li> </ul> <p>B That subject to the satisfactory signing of the S106 Agreement, the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>



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

Site Description & Location

The application site is an existing agricultural field set to the south of Harthill, and incorporates Carr Holme a detached bungalow. The site measures approximately 1.1 hectares.

The site is bound by Winney Hill to the east. To the north of the site there is a further plot of agricultural land and the rear gardens of dwellinghouses along Firvale as well as a residential property at 74 Winney Hill. The south and west site boundaries are formed by existing hedgerows, beyond which is open countryside.

Harthill Footpath No. 1 runs adjacent to the north western corner of the site.

Background

KP1963/1544 - Outline for residential development - REFUSED

Reason

1. The proposed development would constitute a substantial and undesirable extension into country beyond the well defined southern limits of Harthill village.
2. The Ministry of Agriculture maintain that the 17½ acres of land involved in the application is of fair quality capable of growing most crops and that it should remain in agricultural use.

At the time the application was submitted the site fell within the Green Belt, though on the adoption of the Sites and Policies Document on 27 June 2018 the site (and additional land between the application site and properties on Firvale) was re-allocated to Residential.

Proposal

The application seeks full planning permission for the demolition of the existing bungalow (Carr Holme) & erection of 24 No. dwellinghouses including details of access, landscaping & car parking. The plans have been amended during the course of the application 3 dwellings were removed from the scheme to provide an improved landscape buffer with the Green Belt boundary and to increase the capacity of the drainage retention basin.

The dwellings will consist of 6 different dwelling types consisting of 11 four bedroom dwellings, 7 five bedroom dwellings, 2 three bedroom dwellings and 4 two bedroom dwellings. The dwellings are designed in a post modern design with red brickwork, Tudor style cladding and a mixture of red and black tiles.

6 of the proposed dwellings (25%) would be affordable units, these are positioned to the centre of the site and consist of 2 and 3 bedroom dwellings.

An open retention basin is proposed at the western end of the site for the storage of flood water.

The layout plans allow for access in to the land to the north, which has also been removed from the Green Belt though falls within different ownership. The applicant has indicated that they are seeking to develop that land as well as part of comprehensive scheme and have provided an indicative masterplan for the whole site.

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

### Planning Statement

The majority of the applicant's Planning Statement refers to the site allocated as Green Belt land, which is no longer relevant following the adoption of the Sites and Policies Document. The remaining statement states that:

- The development proposals will incorporate a high quality, attractive finish that will complement existing properties within the neighbourhood including privacy, outlook and amenity. This will take into account sustainable, construction methods and a local palette of materials, as well as site topography and suitable access.
- Vehicular movements throughout the site are arranged in the form of a linear primary route, with development on both sides and a clear road hierarchy to enable legibility. The existing PROW - Footpath No. 1 - along the site's western boundary is linked to the primary route, to increase the site's permeability.
- The proposed public open space incorporates a dry attenuation basin at the south west corner of the site as per the original scheme, while retaining existing landscaping features, such as hedgerows and trees. The proposed dwellings face the public realm to encourage passive surveillance. All proposed dwellings have a defensible space and private space. Parking areas incorporate tree planting where possible.
- A series of plans and elevations have been prepared to demonstrate how dwellings could be laid out within the site and would replicate the pattern of secondary access roads already taken from Winney Hill to the north of the site. The eastern boundary of the site also provides a further opportunity for frontage development along Winney Hill to mirror the existing pattern. The site is adjacent to the surrounding residential areas and provides development which relates well to the surrounding site context,

### Design and Access Statement

The vision for the site is to deliver a fully integrated addition to the south of the existing community, compatible with the character and appearance of the surrounding area.

The scheme has evolved over time going through a number of design changes in response to pre-application meetings, discussions with local authority planning officers, highways and drainage engineers.

The proposed land use of the site is mainly residential, including 25% affordable housing, to create a sustainable, integrated neighbourhood that complements its surroundings.

The design for the proposed scheme is based on the principles set out in Manual for Streets, South Yorkshire Residential Design Guide and Rotherham UDP, supporting the creation of a new neighbourhood, where the layout of buildings and public open spaces provide good visibility and legibility, as well as a sense of place.

### Archaeology Report

- While no archaeological remains were visible above ground at the time of the site visit, the geophysical survey has shown that archaeological remains in the form of medieval/postmedieval ridge and furrow may survive as buried features across the site (Durkin 2016) and sometimes ridge and furrow remains mask underlying buried remains of earlier date. Any surviving remains, including the ridge and furrow agriculture, will be very truncated by subsequent agricultural use of the field and therefore any such remains are likely to be of only local or regional significance. As the site is to be developed for residential use, ground disturbance across the site will occur and if any archaeological remains do survive they are likely to be impacted upon by the development.

It is recommended that consultation should be undertaken with the South Yorkshire Archaeology Service as to whether evaluation and/or mitigation works is required.

### Bat Survey

The survey results showed that bats were not using the bungalow for roosting. The property showed no obvious signs that bats are roosting and no emergence was observed. First bats were not recorded on site until 29 and 35 minutes after sunset and these bats were not recorded foraging in peripheral habitat.

Recommends appropriate bat boxes on site and sympathetic lighting.

### Flood Risk and Drainage Assessment

- Surface Water from roofs, footways and roads is to be collected in surface water sewers which follow the road layout and fall under gravity into the main site via a Hydrobrake restricted at 3.0l/s.
- The storage pond located within main site has been designed to accept this additional flow. The storage provision for POA Area 1 has been calculated based on a 1 in 100 year return period with an allowance of 30% for climate change with approximately 108m<sup>3</sup> of attenuated storage being required. This storage will be provided in the form of oversized pipes with 75m of 1350mm pipes being required.
- The water level in the pond located within the main site would rise for both the 30 year storm and 100 year storms due to the additional 3.0l/s from POA 1, however the 1 in 100 year water level would still be lower than the 1.0m pond depth.

### Transport Assessment

- This report has confirmed that a suitable access can be provided for the whole of the draft allocation and will include off-site highway improvements on Winney Hill to slow traffic speed on entry to the extended village envelope.
- Using the latest version of the TRICS data base it has been established that peak hour traffic flows to the Jones Homes proposal will be in the order of 19 and 20 vehicles in the morning and evening peak hour respectively. However using the impact of the overall draft allocation of 47 dwellings as a “worst case” peak hour traffic flows to the Jones Homes proposal will be in the order of 33 and 35 vehicles in the morning and evening peak hour respectively.
- With regard to highway safety the accident record for this section of Winney Hill does not indicate any particular safety issue, the accident record over the 2005 to 2014 period noting only one accident during the 10 years.
- Given the modest level of traffic generated by the draft allocation and the suitability of the proposed access to Winney Hill there is nothing to suggest that this situation would be adversely affected.
- Access on foot will be improved by the provision of a new adoptable link footway and street lighting on Winney Hill to connect the site with the current village envelope and nearby public transport facilities. The level of public transport demand from the site will be low and can reasonably be expected to be capable of accommodation by existing services.

### Landscape and Visual Impact Study

- Landscape impacts due to the proposed development are considered to be a mix of beneficial, due to the addition of landscape elements to soften the development, neutral and adverse, where there is a minor loss of character.
- In the long term as proposed tree planting matures and the site settles into the local landscape character the overall impact will be neutral.
- Due to the surrounding rolling topography and screening from Harthill the visual envelope of the site is constrained to quite a small area.
- Once the development of the buildings is complete there will be some residual adverse visual impacts. Although adverse the significance of these impacts is limited to a very small number of vehicles and users who may not be aware that the view has changed.
- These impacts will further reduce from Principal Viewpoint 2 in the long term as the proposed tree planting matures.

### Phase 1 Habitat Survey

This concluded that the site supports a limited range of habitat types and low to moderate potential for protected species to be present.

### Building for life 12 assessment

“The proposed development scheme scored a total of 10 ‘greens’ out of a possible 12, with 2 remaining ‘amber’ scores. This is a positive assessment demonstrating that good urban design practices have been followed in the evolution of the proposed scheme.”

### Statement of Community Involvement

The applicants note that on 13th May 2016, 108 letters were posted for delivery to the local community with a target response date of 28th May 2016. The leaflet drop



provided an opportunity to discuss the development options informally and ensured that all relevant parties were suitably notified. As part of the pre-application process, the applicants also wrote to Local Ward Members. 6 responses were received which were carefully considered by the applicant.

### 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 the Sites and Policies Document (adopted on 27/06/18) which replaces the Unitary Development Plan (UDP) that has now been revoked.

The application site was allocated for Green Belt purposes in the UDP. However, the Sites and Policies Document allocates the site for 'Residential' purposes on the Policies Map (H95). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'  
CS3 'Location of New Development'  
CS6 'Meeting the Housing Requirement'  
CS7 'Housing Mix and Affordability'  
CS14 'Accessible Places and Managing Demand for Travel'  
CS20 'Biodiversity and Geodiversity,'  
CS21 'Landscapes'  
CS25 'Dealing with Flood Risk'

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

SP1 'Sites Allocated for Development'  
SP32 'Green Infrastructure and Landscape'.  
SP37 'New and Improvements to Existing Green Space'  
SP55 'Design Principles'

### Other Material Considerations

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

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

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

The Core Strategy/Sites and Policies Document 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 site notices along with individual neighbour notification letters to adjacent properties. 6 letters of objection have been received including one from Harthill Parish Council.

The objectors state that:

- The access proposed for this site would enter onto a dangerous section of road. The access is situated such that not only is there a gradient but also a bend. Moving this closer to the crest of the rise will increase the danger.
- Winter time, in particular is a challenge here, during cold weather the road can suffer from severe icing.
- The proposed traffic calming method, similar to that already implemented, would not protect vehicles accessing the new site.
- Problems on the M1 motorway often result in trucks passing through the village.
- Parking on the roadside causes obstructions on the bus route and approaching traffic, the school experiences severe difficulties with parking issues and there have been several near misses which could have had very nasty and serious consequences.
- It is understood that that the council is under pressure to allow more homes to be built. The 25 year old (+) building site at the north end of the village would seem a far more appropriate site.
- The Green Belt boundaries should remain intact; only as a last resort should it be considered to remove the protection.
- Difficulties getting appointments at the local GP surgeries and the school classes are at full capacity.
- The site should be developed as one site and not three separate parcels.

The Parish Council state that:

- This land is currently designated Green Belt land and has been since the 1980's, and as such there should be no permitted development.
- Deficiency of Local Facilities, this development could impact the school and Doctors Surgery.
- Overshadowing/loss of outlook to the detriment of residential amenity – This is an area of high landscape value.
- Loss or effect on trees and associated wildlife.
- The development will create highways issues in respect of vehicular access and hence highway safety.

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

### Consultations

RMBC - Transportation and Highways: With regard to the Transport Statement submitted in support of the application, it notes that the following are to be provided at the applicant's expense as part of an Agreement under S278 Highways Act, 1980:

- 1) The nearside footway at Winney Hill extended from its current village limit to a point south of the intended site access.
- 2) The 30mph speed limit relocated to the south of the extended village envelope and a traffic calming gateway feature provided including a road hump in the vicinity of the proposed access. The relocation of the speed limit will require a Traffic Regulation Order which the developer will fund.
- 3) Additional traffic calming works to complement the existing scheme already in place in Winney Hill as shown in draft form on Drg No 8930.
- 4) Additional street lighting will be provided in Winney Hill.

The Transportation Unit notes that the proposed layout provides a link to the existing public right of way Harthill FP1, this will require the proposed footpath link to be dedicated to the Council. It recommends that an informative be attached to any planning permission issued outlining that the developer should contact the Council's Public Rights of Way Service to arrange the dedication and a suitable construction details.

RMBC Landscape: It is noted that Plot 5 & Plot 14 have now been revised to allow for a 'no build' buffer where the housing was previously shown very close to the existing hedgerow and Green Belt boundary. Also the garage on plot 5 has now been omitted allowing the dwelling to move closer to plot 6, achieving the previously requested offset. The revised layout addresses the noted risks associated with the development adjacent to the existing hedgerow. Requested further details of landscaping to the drainage retention basin as part of any permission.

RMBC (Drainage): Are happy with the fundamentals of the drainage design, but notes that there are details that need to be resolved through recommended conditions.

South Yorkshire Archaeology Service (SYAS): Notes that the archaeological implications of development on this plot were reviewed as part of the Rotherham LDF Development Sites Assessment undertaken by Wessex Archaeology in 2014. This was a very basic scoping review, aimed at determining which sites had no concerns and which needed further work. Wessex considered this site (Rotherham LDF0533) as having "uncertain archaeological objections to development". Subsequently, archaeological desk-based assessment and geophysical survey reports have been commissioned and submitted with this application. These have demonstrated some archaeological potential, but the investigation of these can be secured by archaeological condition. For this reason, SYAS recommends approval subject to appropriate conditions.

RMBC Environmental Health (Land Contamination): The application site could be affected by contamination and for this reason site intrusive investigation works should be undertaken to assess for the presence and extent of contamination to confirm the potential risks to the end uses of the site.

RMBC Green Spaces Manager: Does not consider that the new open space on site is necessary given the proximity of existing green space (i.e. within 280 metres). Furthermore, whilst the closest existing play area is slightly more than 400 metres away for the application site, it would not be unreasonable for people living on the new

development to walk to it given the village location. Taking this and the limited size of the proposed development into consideration, a new play area is not expected to be provided within the application site.

Should the Parish Council identify a need to improve existing open space or children's play facilities following completion of the new development, then they may wish to consider using some of their allocation of CIL funding for this purpose.

RMBC - Ecology: Is satisfied that the methods used were appropriate and agree with the assessments made. Therefore have no issues with planning permission being granted subject the submission of a biodiversity enhancement plan.

RMBC - Affordable Housing Manager: This application provides 25% affordable housing on site and is therefore compliant with the Council's affordable housing policy. The Cranford and Langley housing units proposed for affordable housing are suitable to meet identified housing need.

Severn Trent: Raise no objections subject to conditions.

South Yorkshire Police: No objections subject to relevant 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 this application are:

- Principle of development
- Very special circumstances
- Design, scale and appearance
- General amenity issues
- Provision of open space on site
- Highway issues
- Flood risk and drainage
- Ecology/biodiversity matters
- Landscaping/tree matters
- Impact on existing/proposed residents.
- Planning obligations

### Principle of development:

The site was allocated as Green Belt in the adopted Unitary Development Plan though this Plan has been replaced with the Sites and Policies Document that was adopted on

25 June 2018 and allocates the site for 'Residential' purposes. It forms part of Housing Site H95 (total area 1.61 hectares) and the Sites and Policies Document indicates the total site has a capacity of approximately 39 dwellings.

CS1 'Delivering Rotherham's Spatial Strategy' states that: Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. Harthill is identified as a Local service centre, which along with other villages and services centres is to provide 170 dwellings as part of the Local Plan.

CS3 'Location of New Development' states that: 'In allocating a site for development the Council will have regard to relevant sustainability criteria, including its (amongst other things): proximity as prospective housing land to services, facilities and employment opportunities, access to public transport routes and the frequency of services, quality of design and its respect for heritage assets and the open countryside.

SP1 'Sites Allocated for Development' allocates the site as H95 for a total of 39 dwellings.

With the above policy in mind the site has now been allocated residential as part of the new Sites and Policies Document and as such the principle of residential development is acceptable and the 24 houses on this part of the site is in keeping with indicative Sites and Policies Document allocation of 39 dwellings.

The scheme is also accompanied by an indicative masterplan showing that the site can incorporate additional land to the north, currently outside the applicant's ownership.

Policy SP64 Access to Community Facilities states: "Residential development should have good access to a range of shops and services. On larger scale residential developments of 10 or more dwellings the majority of homes (minimum of 80%) should be within 800 metres reasonable walking distance (measured from the centre of the site, taking into account barriers such as main roads, rivers and railway lines) via safe pedestrian access of a local convenience shop and a reasonable range of other services or community facilities. This may require the provision of local services or facilities by developers where these requirements would not otherwise be met or where new development would place an unacceptable burden upon existing facilities, unless it can be demonstrated that such provision would not be viable or would threaten the viability of the overall scheme."

The site accords with Policy SP64 in terms of being within 800m of a number of local facilities, including post office, medical centre, pub, junior school and mini supermarket. An existing footpath link to Firvale is to be retained allow for a permeable layout with easy access to amenities for future residents.

### Design, scale and appearance

SP55 'Design Principles' states: "All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings".

This approach is also echoed in National Planning Policy in the NPPF.

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

In addition, CS policy 21 ‘Landscapes’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. Furthermore, CS policy 28 ‘Sustainable Design’ indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

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

The application site forms part of the new proposed allocation H95 in the Local Plan.

Having regard to the site layout, the applicant has worked with the Council to ensure that the whole site can be comprehensively developed to prevent the need for multiple highway accesses and to achieve the density required as part of the Sites and Policies Document allocation.

The overall number of dwellings on site have been slightly reduced from 27 to 24 to allow for a reasonable Green Belt buffer and to improve the capacity of the on site drainage retention basin. The resulting scheme will provide a pleasant suburban layout suitable for this edge of settlement location and the post modern inter war style properties are appropriate on the edge of Harthill and in keeping with their position. The inter war style of the properties with mock Tudor detailing is not uncommon on the edge of a historic village.

All the dwellings have adequate amenity space and appropriate outlooks, with internal space exceeding the Council’s minimum requirements. The mix of dwellings types is also good with 2 to 5 bedroom properties and affordable units providing a good mixed community.

The scheme also includes a comprehensive landscape scheme with front boundary detailing, tree planting, and front garden lawns. This will help to break up the car parking areas and also provide a good and attractive frontage to Winney Hill.

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private

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

#### Provision of open space on site

Core Strategy Policy CS22 'Green Space' states that: "The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to developers on the contributions expected. Rotherham's green spaces will be protected, managed, enhanced and created by:

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development
- b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required
- c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development
- d. Considering the potential of currently inaccessible green space to meet an identified need.
- e. Putting in place provision for long term management of green space provided by development
- f. Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.
- g. Links between green spaces will be preserved, improved and extended by:
  - i. Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature
  - ii. Creating or extending green links where feasible as part of green space provision in new developments."

Policy CS22 refers to detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required. The supporting text notes that informal open space can include (amongst other things) "accessible countryside in urban fringe and rural areas – including woodlands."

Policy SP37 'New and Improvements to Existing Green Space' in the Sites and Policies Document states that: "Residential development schemes of 36 dwellings or more shall provide 55 square metres of green space per dwelling on site to ensure that all new homes are:

- (i) within 280 metres of a Green Space
- (ii) Ideally within 840m of a Neighbourhood Green Space (as identified in the Rotherham Green Space Strategy 2010); and
- (iii) Within 400m of an equipped play area.

The exception to this will be where the characteristics of the site and the nature of the proposals are likely to impact on the delivery of the Green Space or the overall development scheme. In these circumstances, then evidence shall be provided with the planning application to justify any lower level of Green Space provision on site or off site contributions. This shall take into account the nature of the proposed development, and the particular characteristics of the site and the wider local area.”

Whilst the current application only relates to 24 dwellings, the overall site allocation at H95 could accommodate more than the 36 limit specified in the Policy. For 24 dwellings it would suggest a requirement of around 1,320 sqm of open space provision on site. The development actually provides approximately 675sqm of Greenspace on site in the form of a drainage retention basin, which will not be accessible for recreational use, but add some visual relief to the development. As such the scheme falls under the usual required Green Space provision.

However in this instance the Council’s Green Space Manager does not consider that the new open space on site is necessary given the proximity of existing green space on Winney Hill (i.e. within 280 metres). Furthermore, whilst the closest existing play area is slightly more than 400 metres away for the application site, it would not be unreasonable for people living on the new development to walk to it given the village location. The development also provides a direct pedestrian limit to the playground which would provide a pleasant pedestrian route. Taking this and the limited size of the proposed development into consideration, a new play area is not expected to be provided within the application site.

Furthermore should the Parish Council identify a need to improve existing open space or children’s play facilities following completion of the new development, then they may wish to consider using some of their allocation of CIL funding for this purpose.

As such the proposed scheme is considered to accord with Policy CS22 ‘Green Space’ and SP37 ‘New and Improvements to Existing Green Space’.

### Highways issues

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

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

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



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

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

The Site Development Guidelines for H95 as set out in the Sites and Policies Document states: “Frontage (some 27m) to Winney Hill. Within this frontage a prospectively adoptable road with appropriate visibility can be achieved. The footway along Winney Hill will have to be extended. A road gradient of 1 in 20 for the first 10m and 1 in 10 thereafter will be required also. Although within the de-restricted zone vehicle speeds along this part of Winney Hill not considered to be a detrimental factor.”

The proposed site is considered suitable for the number of traffic movements off the new single access. The proposed visibility is acceptable and the provision of on site parking spaces accords with the Council’s minimum requirements. Furthermore the site is considered to be in a sustainable location close to a local bus terminus on Firvale and within easy walking distance of a number of amenities and shops.

In addition the applicant has agreed as part of the application to highway improvements along Winney Hill, including the provision of a new footway, traffic calming measures and additional street lighting.

It is considered that the development is sited in a sustainable location and would satisfy the provisions of Policy CS14 ‘Accessible Places and Managing Demand for Travel’ and paragraphs 32 and 34 of the NPPF.

### Flood Risk and Drainage

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

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

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and

- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”

During the course of the application the applicant has worked with the Council to achieve appropriate sustainable on site drainage. This includes the provision of an on site drainage retention basin, which has been increased in volume to accommodate future climate changes or any additional hardstanding on site. The full details of the proposed drainage has however not been finalised and additional conditions are recommended to ensure that the final drainage scheme is adequate enough to accommodate on site drainage.

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

#### Ecology/Biodiversity matters

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

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

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

The Council accepts the key findings of the applicant’s ecology report and the development of the site will not harm local ecology. The Ecologist however recommends a biodiversity enhancement scheme which will include bat boxes and native landscaping to encourage local wildlife.

With this in mind it is considered that the proposals accord with the relevant biodiversity policies and guidance of the NPPF and Policy CS20 subject to the imposition of a condition requiring the submission of a biodiversity enhancement statement.

#### Tree matters:

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

The site contains only 3 trees to the front of the site, with the rest of agricultural field being open with a hedgerow boundary. The 3 trees to the front are to be incorporated within the scheme, providing a pleasant highway entrance, with the dwellings set back from the trees to provide adequate root protection. A condition has therefore been attached requiring that trees are retained and protected during development.

In view of the above it is considered that the proposals accords with CS21 'Landscapes'.

### Impact on existing/proposed residents

SP55 'Design Principles' states that: 'the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing.'

In assessing the impact of the proposed development on the amenity of neighbouring residents, regard has been given to the Council's adopted SPG 'Housing Guidance 3: Residential infill plots' which sets out the Council's adopted inter-house spacing standards. The guidance states there should be a minimum of 20 metres between principle elevations and 12 metres between a principle elevation and an elevation with no habitable room windows. In addition, no elevation within 10 metres of a boundary with another residential property should have a habitable room window at first floor.

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

In terms of the amenity of nearby residents, this part of the site does not abut the neighbours on Firvale and as such no harm will occur to their amenity. Whilst a number of local residents have raised concerns with the scheme this primarily relates to the reallocation and the loss of Green Belt land.

In terms of the immediate neighbour at No.74 Winney Hill, the scheme has been designed so as not overlook the dwelling or appear overbearing.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 77sqm for 3 bed properties and 93sqm for 4 bed properties. The dwellings proposed all exceed the Council's minimum internal standards and the rear gardens are beyond 60sqm minimum recommend by the Council. As such the scheme will provide a good standard of amenity for future residents.

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

### Other comments raised by objectors

A number of objectors have been received stating that abandoned development site to the north of Harthill should be developed instead of developing the current application site, which is in the Green Belt. This alternative site is also due for development

(incorporating some land that was also formerly within the Green Belt, and identified as H94) and both sites are required to provide the 170 dwellings envisaged for the local service centres and villages in Rotherham.

### Planning Obligations

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

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

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

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

This is echoed in Paragraph 204 of the NPPF.

With the above circumstances in mind the following S106 Obligations are recommended should Planning Permission be approved.

- 25% provision of on site affordable housing.
- The contribution of £500 per dwelling towards measures to encourage non car modes of travel.
- Management and maintenance of open space areas on site (including the flood water retention facility).

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

### Conclusion

The site was allocated for Green Belt purposes in the adopted UDP though this Plan has been replaced with the Sites and Policies Document that was adopted on 25 June 2018 and allocates the site for 'Residential' purposes. It forms part of Housing Site H95 (total area 1.61 hectares) and is within 800m of a number of local facilities. As such, the proposal is acceptable in principle.

The scheme is acceptable in terms of the design and layout, and no issues are raised in respect of other material considerations subject to relevant conditions.

As such, the proposal is recommended for approval, subject to the signing of a S106 legal agreement as set out above and to the following conditions.

### Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 7 & 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 7 & 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.'

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) except as shall be otherwise agreed in writing by the Local Planning Authority.

(Proposed Location Plan 2651-PL01, A)

(Proposed Site Layout 2651-PL02, Z8)

(Street Scene Elevation 2651-PL03, G)

(House types 2651-PL06 B, 2651-PL08 B, 2651-PL09 A, 2651-PL10, 2651-PL12 B, 2651-PL20 A, 2651-PL21 B, 2651-PL21(A) A, 2651-PL22, 2651-PL22(A), 2651-PL23 A, 2651-PL24 A, 2651-PL25 A, 2651-PL26, 2651-PL27)

(Public Open Space 2661-PL28 A)

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

Highways Conditions

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 in accordance with the Local Plan and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems.

05

No above ground development shall commence until full engineering details of the site access arrangements, the proposed traffic calming works (shown in draft on drg No 8930), the extension of the footway, street lighting improvements and the creation of a gateway scheme in Winney Hill have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the first dwelling.

Reason

In the interest of highway safety.

06

Before above ground development is commenced road sections, constructional and drainage details, and timing of the carrying out of the works, shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented in accordance with the approved details.

Reason

In the interest of highway safety.

07

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

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the construction work;
- the location of the site compound and staff parking;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of proposed hours of construction on/deliveries to the site;

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

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

Ecology

08

A biodiversity enhancement plan, and timings of works to be carried out, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details.

Reason

In the interest of local ecology.

Archaeology

09

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

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

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

Reason

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

Landscaping

10

Landscaping of the site as shown on the approved plan (drawing no. 4117/2100/Rev A) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall

be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

## Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity.

## Drainage

11

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

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to 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 the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

12

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

## Soil storage

13

Details of the quality of soils on site and their movement and temporary storage during construction 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

In order to preserve and enhance identified soil functions and to minimise dust issues associated with the temporary storage.



Informatives:

01

The proposed layout provides a link to the existing public right of way Harthill FP1, this will require the proposed footpath link to be dedicated to the Council and the applicant should contact the Council's Public Rights of Way Service to arrange the dedication and a suitable construction details.

02

The works in the highway required by Condition 5 will require the entering into a S278 Agreement of the Highways Act 1980. In this respect you should contact the Council's Transportation Unit prior to the commencement of works.

03

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the development.

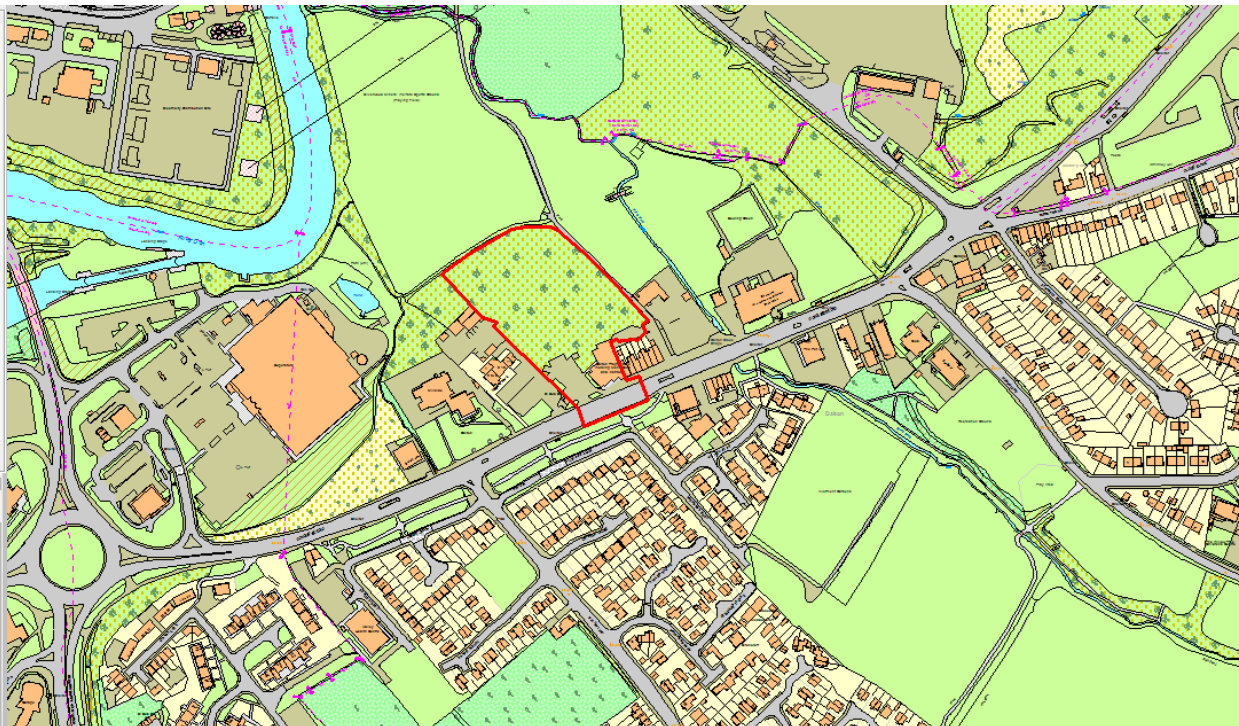
04

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

#### POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	<b>RB2018/0596</b>
<b>Proposal and Location</b>	Erection of retail foodstore (use class A1) with associated car parking, reconfigured access, landscaping, servicing & associated works, land off Doncaster Road, Dalton S65 3ET
<b>Recommendation</b>	Grant subject to conditions



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

#### Site Description & Location

The application site relates to the former Dalton Progressive Working Men's Club as well as the vacant land to the rear of the site off Doncaster Road in Dalton.

The front of the site previously comprised the former Dalton Working Men's Club building, however, this was the subject of extensive fire damage in February 2018 and was subsequently demolished.

The site comprises of an irregularly shaped 1.5 Ha area of undulating car park, rough grassland and disused land. The highest point of the site is in the central area and there is a drop in land levels of approximately 2m to the north-western side of the site and a similar drop down towards the frontage along Doncaster Road in the south-east. There are a number of trees and shrubs across the site, though these appear to be mainly self-seeded and are of limited maturity.

The site adjoins a retail parade to the east, which consists of seven units including takeaways, a taxi rank, a dentist surgery and a car parts shop. Opposite the retail

parade, across Doncaster Road, is a small convenience store. To the south of the application site, beyond Doncaster Road, is a grass buffer and footway and beyond this is a housing estate. Beyond this the surrounding area consists of mainly residential accommodation to the south and commercial and retail uses to the west. Approximately 100m east of the site, off Doncaster Road, is the Silverwood Miners Club. This is a well used local facility and has undergone extensive refurbishment works in recent years.

The vast majority of the site is located within a Flood Zone 1. A small portion of the site, along its northern boundary, falls within a Flood Zone 3a, given its proximity to the River Don.

### Background

The rear section of the site has not had any previous planning applications. The front of the site previously had the Dalton Progressive building on it which had numerous extensions and alterations in the 1980s and 90s. However, following a fire in late 2017, the building was demolished in February 2018.

At the time the application was submitted the front part of the site was allocated for Retail purposes whilst the rear part was allocated for Business use on the Unitary Development Plan (UDP). However, on the adoption of the Sites and Policies Document on 27 June 2018 the allocation on the rear part of the site was altered to Residential.

### Proposal

This is a full planning application for the erection of an A1 retail foodstore with associated car parking, reconfigured access, landscaping, servicing and other associated works. The proposed foodstore will measure 2,205 sqm Gross External Area and 2,125 sqm Gross Internal Area, with a sales area of 1,325 sqm. It is anticipated that the unit will be occupied by Lidl.

The proposal includes the provision of 127 parking spaces of which 6 spaces will be for disabled users and 8 spaces for parent and child users. These spaces will be situated in close proximity to the store entrance. 7 cycle stands, providing storage for 14 bicycles, are also proposed.

Following advice from the Transportation Unit, the proposed keep clear markings within Doncaster Road carriageway have now been omitted from the proposal.

The proposal involves some re-grading of the site surface area to smooth out some of the existing contours. A cross sectional plan has been submitted indicating that this may alter local ground levels up to a maximum of 2m. The north-west of the site is likely to rise slightly due to the central area being excavated to create a flatter car parking area and to give the building footprint a flatter platform. It is not anticipated that there would be any import or export of material. Areas on the boundaries are expected to remain the same as at present.

The applicant indicates that due to the constraints that the site presents, the retail unit will be positioned behind the line of existing development to the east, away from Doncaster Road. The store will be accessible on foot from Doncaster Road by three pedestrianised routes including a dedicated footway. The customer entrance and glazed

building façade will face Doncaster Road. A dedicated service yard and plant compound will be provided at the far end of the store, on its northern side.

Opening hours are proposed between 07:00-23:00 Monday to Saturday and either 10:00-16:00 or 11:00-17:00 on Sundays.

A number of additional supporting documents in support of the application have been submitted and these can be summarised as follows:

#### Design and Access Statement

- The proposal will help to meet an identified quantitative and qualitative need for additional convenience retail floorspace in East Rotherham.
- The proposal will secure the development of a previously developed site in a prominent location, which is currently cleared and vacant, bringing it into more intensive economic use.
- The new foodstore will not have any significant adverse impacts on any designated centre, and will not compromise any committed or planned public and private investment. In fact, the proposal will significantly strengthen the convenience retail offer available in Dalton Local Centre, thus enhancing its vitality and viability.
- The proposal represents a sustainable form of development in a highly accessible location. It will provide a facility that local residents can walk to.
- There will be a positive economic impact as a result of the development through the creation of up to 40 new jobs and increased earnings in the local area.
- The proposal is of a bespoke design, and will create a high quality, modern development that makes efficient use of the land.
- The layout of the site has been carefully designed having regard to its constraints, as explained. The scheme incorporates extensive areas of landscaping along its northern, western and eastern borders, thus enhancing the ecological value and appearance of the site.
- The proposed store will be designed, built and operated to industry leading standards in order to reduce energy consumption and emissions.

#### Retail Impact

- The proposal will help to meet an identified quantitative and qualitative need for additional convenience retail floorspace in East Rotherham.
- The proposal will contribute to creating healthy competition and will widen consumer choice, for which there is a local demand.
- The proposal will secure the development of a previously developed site in a prominent location, which is currently cleared and vacant, bringing it into more intensive economic use.
- The new foodstore will not have any significant adverse impacts on any designated centre, and will not compromise any committed or planned public and private investment.
- The proposal represents a sustainable form of development in a highly accessible location. The proposal accords with the relevant Development Plan policies relating to design, retail development, highways, residential amenity, trees and ecology;
- The site is considered suitable and appropriate for the proposed development.

### Transport Assessment

- The site is well served by public transport, and walking and cycling are attractive alternative modes to the private car.
- The local road network has experienced few accidents in recent years, and the development will not increase them in terms of numbers or severity.
- A detailed, but very robust, numerical analysis of future traffic conditions with the development in place, has demonstrated that a new junction can be created to access the foodstore off Doncaster Road, and the resulting junction will operate well within its capacity, and that the existing queuing caused by the Pedestrian Crossing will continue as now.
- There are no "severe" effects in terms of NPPF. The Travel Plan supplied under separate cover will assist in providing advice to staff and customers on how to access the site in a more sustainable manner, therefore, reducing the carbon footprint of the development. There are no Highways or Transportation grounds for refusing the planning application.

### The Ecological Appraisal and Phase 1 habitat survey (Revised 2<sup>nd</sup> May)

- All of the non-statutory sites identified by desk study are considered to be sufficiently distant (all over 1km distant) from the site to avoid any adverse impacts as a result of the proposed development. There is no recommendation for further mitigation or consideration to this regard.
- The closest NERC (2006) Habitat of Principle Importance was located approximately 85m from the site. Although it is considered unlikely the works will impact on the habitat due to the small-scale and contained nature of the works, considerations should be made to reduce any negative indirect impacts to the habitat. Best practices and precautionary measures should be put in place to ensure no excess dust is produced during the works and that machinery required for the works does not encroach on the NERC habitat. It is considered that this is sufficient distance for the construction phase and subsequent development to result in a negligible impact on this habitat.

#### Habitats:

- It is estimated that approximately 46% of inherently low and negligible ecological value of habitats currently present at the site will be lost to facilitate the development, with 9 of the 18 scattered trees proposed for retention. Where trees cannot be retained, like-for-like replacement planting is recommended on completion of works, though ash and elm trees should currently be avoided due to diseases affecting these species.
- Landscape planting is proposed along the peripheries of the site surrounding the development footprint to result in no net loss in scattered tree habitat. It is recommended the proposed planting incorporates a native and wildlife benefitting soft landscaping plan with areas of general purpose meadow seed mixture planting subject to an appropriate sympathetic management regime.

#### Invasive Species:

- The proposed works are to be located within an area of Japanese knotweed (JK). Therefore, as the works are located within the area that contains potentially

viable rhizomes (the area of knotweed and a 7m buffer) works may result in spreading this species. It is understood that a third party contractor is currently being subjected to treatment however, the working buffer around the stand should be maintained throughout the development works.

### Protected / Notable Species:

- Although the desk study highlighted numerous records of invertebrates within 1km area, none of the records highlighted were within the site boundary. Furthermore, the plants and habitats identified during the Phase 1 Habitat Survey were common and widespread with species unlikely to support rare or near threatened invertebrate assemblage.
- As the majority of the site has been left unmanaged, the processes of succession resulting from neglect have acted to reduce the semi-improved grassland area, with encroaching scrub, tall ruderals and bracken. Therefore, as the habitats suitable for invertebrates have been vastly reduced and impacted by aggressive plant species, fire damage in conjunction with nearly 46% of the site being unsuitable habitat, it is considered that the proposals are highly unlikely to affect the invertebrate community. Therefore, no further surveys and assessment are considered appropriate for invertebrates.

### Nesting Birds:

- As it is likely that nesting birds will be encountered during vegetation clearance activities, it is recommended that precautionary method of works is undertaken. However, further details will be provided on the completion of the reptile surveys. This is to ensure the proposed recommendations for reptiles and nesting birds are not conflicting.

### Badgers:

- No evidence was identified for badgers on site in September 2017.
- During the setup of the reptile surveys in February 2018, no further evidence of badgers was identified. Therefore, it is considered extremely unlikely for badger setts to present within the development footprint

### Great Crested Newts:

- The only waterbody within 500m of the site was considered unlikely to support GCN. A HSI assessment of the pond determined the suitability for GCN to be 'Poor'. This HSI cannot be used as a substitute for a full newt presence/absence survey and will only give an indication of the suitability to support GCN.

### Bats:

- During the nocturnal survey low levels (two bats seen at any one time of common species) of activity was noted, however the tree lined boundary to the north appeared to offer higher foraging and commuting habitat for the species.
- Given the small-scale nature of the works and the unlikely impact on surrounding habitats, it is considered that although the site as a whole does not form a significant foraging or commuting resource for the local bat population.

## Tree Survey

- The survey took place during December 2017.
- The tree survey revealed 35 items of woody vegetation, comprised of 31 individual trees and 4 groups of trees or shrubs.
- Of the surveyed trees: 2 trees are retention category 'B', and the remaining 33 trees and groups are retention category 'C'.
- The significant tree cover within the site consists of occasional mature hedgerows and occasional larger individual trees situated along the site boundaries, more notably towards the northern side of the site.
- The central areas of the site contain little of arboricultural significance, generally consisting of sporadic small individual trees amongst the grass/scrubland areas.
- Species diversity at the site is consistent with former industrial land comprising of mainly pioneer species including Sycamore and Ash trees and shrubs including Hawthorn, Elder and Holly. Most of the trees are semi-mature, with the boundary hedges being mature.
- The tree Root Protection Area (RPA) detailed on the Tree Constraints Plan at Appendix 5, has been used as a layout design tool, to inform on the area around a tree where the protection of the roots and soil structure is treated as a priority.

## Flood Risk Assessment

- The majority of the site is situated in Flood Zone 1 with a negligible risk of flooding from fluvial sources. In accordance with PPG Table 3, a More Vulnerable development in Flood Zone 1 is considered appropriate.
- In view of the above the proposed retail development is considered acceptable across the majority of the site with regards the PPG flood policy guidance.
- Neither sequential testing nor exceptional tests are required, based on PPG Table 3.
- A very localised area along the northern boundary of the site is situated in Flood Zone 3a, with a High risk of flooding from fluvial sources. In accordance with PPG Table 3, a More Vulnerable development in Flood Zone 3a is considered appropriate. In accordance with Technical Guidance, Table 3 a "Less Vulnerable" development in Flood Zone 3a is considered acceptable and will be subject to a sequential test.
- The area within Flood Zone 3 is indicated as public open space. Therefore, the proposed development is anticipated to be sequentially acceptable for its proposed use.
- In order to ensure that a low risk to properties is maintained as part of the development, the Final Floor Level (FFL) must be a minimum of 150mm above existing surrounding ground levels. The proposed FFL of 25.56m AOD is considered to be appropriate. Following implementation of the recommendations included within this report, this site is not considered to be at significant risk of flooding.

During the determination of the application technical drainage calculations were submitted to the Council's Drainage Team for more detailed assessment of surface water drainage.

## Other details including a summary of LIDL's retail operations

- Lidl was founded in Germany in the 1930's, with the first Lidl store trading in the UK opening in 1994. Lidl now has over 10,000 stores in 27 countries including 670 stores trading in the UK market nationwide.
- At August 2017, Lidl had around 5.2 per cent market share. The UK Food and Grocery Market Report (Global data, 2017) confirms that Lidl's market share is projected to increase.
- LIDL is a "Limited Assorted Discounters (LADs) which carry a limited number of grocery products and base their retail offer on selling these products at very competitive prices. The findings of the Competition Commission's report confirm that Lidl provides a different offer from the main food retailers. In addition, the report states that "LAD retailers, such as Lidl, do not impact to any significant degree upon larger food retailers"
- Lidl sells a limited range of about 1,800 carefully selected products, of which 90 per cent are own brand.
- Lidl also differentiates itself from larger food retailers and small local convenience stores by not offering any of the following concessions and services: • Fresh Meat Counter • Fresh Fish Counter • Delicatessen / cheese counter • Hot food counter • Pharmacy • Dry cleaning • Film processing • Post office • Mobile phone shop • Café / restaurant.
- As Lidl does not provide concessionary services, it underlines the fact that Lidl does not compete to any significant degree with independent retailers, larger format supermarkets or high street retailers.
- Therefore, the application site will offer an enhanced consumer choice in product and price for the whole community.
- The locational strategy of Lidl is for stores in main urban areas, such as Rotherham, to serve a primary catchment that broadly equates to a 0-5 minute drive-time isochrones.
- Lidl often trades in close proximity to other shops such as Londis, Spar and independent retailers as it complements the role that these stores perform.
- Staff are also recruited from the local community using a variety of methods including local newspaper advertisements, job centre advertisements and open days.
- Opening hours between 07:00-23:00 Monday to Saturday and either 10:00-16:00 or 11:00-17:00 on Sundays.
- All deliveries to, or collections from the store would take place between 0700 – 2300 Monday to Saturday and 0900 – 2200 on Sundays
- The total unloading time of a delivery is approximately 45 minutes to one hour.

#### Noise Survey

- An unattended noise survey has been carried out from 14:00 hours on Friday 04/08/2017 to 15:00 hours on Monday 07/08/2017.
- The survey was carried out in a position considered representative of the nearest residential properties to the site.
- The noise survey was carried out using an auto-logging Rion NL-31 sound level meter. The measurements were taken with the microphone at a height of approximately 1.5m above ground level in freefield conditions.
- The assessment indicates that the plant noise will have a low impact. Therefore no additional noise control measures have been recommended for the mechanical services plant.



During the noise survey the background noise levels were above 42 dBLA90 (15-min) during the following night-time periods

- 23:00-00:30 hours on the Friday night
- 05:30-07:00 hours on the Saturday morning
- 23:00-01:15 hours on the Saturday night
- 23:00-00:15 hours on the Sunday night
- 05:15-07:00 hours on the Monday morning

#### 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 the Sites and Policies Document which was adopted on 25 June 2018.

At the time the application was submitted the front part of the site was allocated for Retail purposes whilst the rear part was allocated for Business use on the Unitary Development Plan (UDP). However, on the adoption of the Sites and Policies Document on 27 June 2018 the allocation on the rear part of the site was altered to Residential use (although not identified as a development site counting towards the borough's housing requirement). The front part remains as a Retail allocation (Local Centre).

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

Core Strategy policy(s):

**CS19 Green Infrastructure**

**CS21 'Landscape'**

**CS22 'Greenspace'**

**CS25 'Dealing with Flood Risk'**

**CS28 'Sustainable Design'**

#### **Sites and Policies Document:**

SP 11 Development in residential areas

SP 19 Development Within Town, District and Local Centres

**SP 32 Green Infrastructure and landscape**

SP 47 Understanding and Managing Flood Risk and Drainage

SP 52 Pollution Control

SP 55 Design Principles

SP 56 Car Parking Layout

SP 57 Sustainable Construction

SP 62 Safeguarding Community Facilities

#### Other Material Considerations

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

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of

the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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

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

## Publicity

The application has been advertised by way of site notices being displayed on and around the site (01 May 2018), press notice (Rotherham Advertiser 27 April 2018) and letters to neighbouring properties (19 April 2018).

A total of 2 representations have been received. The main areas of the objections can be summarised as follows:

- Supports the principle of the investment in this location
- Concerns about traffic from the access point – the yellow grid may cause tailbacks which may worsen the traffic arrangements for adjacent users
- Concern that the development will result in increased traffic flows on Oldgate Lane, Park Lane and Doncaster Road.
- There have been several serious accidents in the past few years.
- The Council should seek a contribution from the developer for improved pedestrian crossings in the area.

No Rights to Speak at the Board meeting have been received.

## Consultations

RMBC (Transportation and Highways Design) – no objections subject to conditions

RMBC (Environmental Health) – No objections subject to conditions and informatives

RMBC (Drainage) – No objections to revised proposals subject to conditions

RMBC (Ecologist) – No objections subject to condition

RMBC (Landscape) – Overall no objections

RMBC (Tree Consultant) – No objections subject to root protection condition

Yorkshire Water – No objections subject to conditions

Environment Agency – No objections

South Yorkshire Police Architectural Liaison Officer – No objections

## Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of development including the need for the facility, all other sites considered and retail impact on local centres
- Design, Scale and Appearance
- Highway Safety and parking capacity
- Drainage and Flood Risk issues
- Noise and Pollution Control issues
- Impact on trees
- Ecological issues
- Landscaping

### Principle including the retail impact

The application site is located partly on land allocated for Retail use (Local Centre) and partly on land allocated for Residential use (although not identified as a development site counting towards the borough's housing requirement) in the recently adopted Sites and Policies Document. However, as the majority of the site falls outside of, but adjacent to, the Local Centre, it is considered edge-of-centre in policy terms.

The applicant has provided a summary of the particular business characteristics of the LIDL retail operation which indicates the difference between large food retailers and Lidl. This has been acknowledged both by the Competition Commission and the Secretary of State. The overall conclusions indicated that LIDL is an operator that offers a relatively limited range of products and would often not seek to compete directly with existing local retail operators. However, the proposal would fall within the A1 use class and it is considered that this application has to be considered according to the same criteria as any other proposed A1 proposal. It is noted that no objections from nearby local retail operators have been received.

The site is proposed for redevelopment as a Lidl supermarket. Given that this is over 500sqm, the applicant will need to satisfy the impact test requirements of Policy CS12. To this end an impact test has been included in the retail and planning statement. This concludes that the development will have no significant adverse impacts on any designated centre located within or outside of the catchment area of the new foodstore, and this is accepted.

The former Dalton WMC is considered to constitute a community facility to which Policies CS29 Community and Social Facilities and Policy SP62 Safeguarding Community Facilities apply. Any application will need to provide appropriate evidence in

respect of the criteria in Policy SP62. It is noted that the site has been demolished following fire damage. However Policy SP62 is still required to be complied with. The policy refers to land or buildings currently used or last used for community purposes being safeguarded. This is applicable in this instance given the former use of the site. The second part of this Policy is considered to be most relevant, indicating that proposals which involve the loss of other community facilities shall only be permitted where the Local Planning Authority is satisfied that adequate alternative provision has been made or where some other overriding public benefit will result from the loss of the facility, or that the retention of the land or building in community use is no longer viable, on the basis of the criteria set out.

Following initial queries on the submitted scheme the applicant has further elaborated on the supporting statement with particular regard to Policy SP62. This indicates that adequate alternative provision exists for social and working men club facilities within 1km of the site. Silverwood Miners Club is located 100m east along Doncaster Road and is a well-used community facility that has undergone extensive refurbishment in recent years. There are also two more social clubs within 1km walking distance of the application site – East Herringthorpe Sports and Social Club on Laudsedale Road and Thrybergh Sports and Social Club on Oldgate Lane. All three businesses within 1km of the site do not operate on the basis of user subscription or membership fees, meaning there is no cap on the number of users. The applicant is therefore of the opinion that it is difficult to quantify a local need for such a facility, since any demand that does exist can be readily absorbed.

The applicant goes on to indicate that the proposed development will deliver a variety of public benefits which override the loss of land at the site. These include the creation of up to 40 new full-time and part-time jobs; an improved visual appearance of the site; the proposal will complement Dalton Local Centre, encouraging increased footfall along Doncaster Road and linked trips to the surrounding shops and services, as well as bringing an accessible and sustainable brownfield site into more intensive economic use; and will assist in urban regeneration.

The applicant also goes on to indicate that prior to its closure in 2016, Dalton Working Men's Club had traded at a loss for a number of years and had been propped up through the sales of peripheral properties that it owned. The land was therefore marketed as a development opportunity from March 2014 to December 2015, via selective advertising, placement on the Internet and targeted mailing. A single offer was made, however, this came from a regional housebuilder and never transpired to a sale. During this 21 month period of initial marketing, the Club had continued to trade at a significant loss and further creditors had been acquired.

*“The Club ceased trading and closed just before Christmas 2016 and was placed in to liquidation in February 2017. Over the course of two separate marketing periods, spanning a total of 27 months, two formal offers to purchase the site were received. The first from a regional housebuilder and the second was from Lidl. No offer or interest was received to retain the former Club building or the surrounding land for community purposes. Now that the building has been demolished, the possibility of retaining any form of community use at the site has been eliminated.”*

It is considered that the policy assessment submitted by the applicant meets the criteria of Policy SP62.

**Overall it is considered that the applicant has satisfactorily passed the impact assessment and the principle of the proposal satisfactorily complies with the NPPF, Core Strategy and Sites and Policies Document. Consequently the principle of development for an A1 retailer is considered acceptable in this location.**

#### Design, Scale and Appearance and Sustainability

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.

Concerns were previously raised at the pre-application stage regarding the location of the store within the site layout (eg being set back from Doncaster Road, providing no store frontage adjacent to the highway). The Council's initial preference was to have a building directly fronting Doncaster Road to maintain the general built-up frontage along this part of Dalton. These concerns have been explored in the Design and Access Statement. This concluded that the constraints of the site render it unsuitable for the proposed retail unit to directly front Doncaster Road, without significantly compromising highway safety, residential amenity and the viability of the store. It is accepted that the constraints of the site (being narrower in width closer to the highway frontage) would have an impact on the siting of the store and it is accepted that the alternative layout options have been appropriately discounted.

The proposed design and external appearance of the unit with a contemporary glazed and render finish is considered to reflect a modern retail building that will be of a good architectural standard and will sit acceptably within the varied street scene and uses within this part of Dalton. There are a number of different uses in the vicinity of the site and this building is considered to uplift the general architectural design of the surroundings in accordance with paragraph 56 of the NPPF and Core Strategy CS28 'Sustainable Design'.

Regarding the sustainability of the scheme, the planning statement refers to the fact that 'many Lidl stores' are designed to BREEAM very good standard, and a further sustainability statement has been appended to the planning application to indicate it is anticipated that the current scheme would be developed to this standard. As the proposed development is a non-residential scheme of over 1,000 sqm, this would be required in order to satisfy Policy SP57.

#### Highway Safety issues

The Transportation Assessment (TA) and Travel Plan (TP) submitted in support of the application have been reviewed by RMBC's Transportation Unit.

The development involves a gross internal area of 2,125 sqm (retail sales area of 1,325 sq m). A total of 127 parking spaces are intended of which 6 will be for disabled users and 8 No. for parent & child users.

In terms of Trip Generation the Trip Rate Information Computer database (TRICS) suggests that only 10% of trips at a new food store are "new" to the network, most of the

remainder being already on the network. However, to ensure a robust assessment, the TA considers all predicted trips to be new to the network. Furthermore, no attempt has been made to “net off” existing trips associated with the site’s former use. The total two way predicted trips in the PM peak hour is 132 No. and in the Saturday peak hour 154 No. The Transportation Unit consider this to represent an increase of 4.6% and 5.2% respectively.

### Traffic impact:

The TA has considered the impact of the additional trips on the operation of the site access junction which will be some 65m to the west of an existing staggered pedestrian signal controlled crossing of A630 Doncaster Road. There is already a reasonably high level of demand for the crossing facility which will interrupt traffic flows along Doncaster Road when the signals are “called”, thereby resulting in gaps

for vehicles entering/leaving the site. It is anticipated that demand for these traffic movements will be low with only around 30-40 vehicles turning either right or left out of the site in the peak hours. Accordingly, the site access is predicted to operate within capacity in both 2019 and 2024 design years.

### Car and cycle parking:

The intended car parking provision accords with the Council’s car parking standard. Cycle parking is to be provided also as indicated on the submitted layout.

### Pedestrian accessibility:

The proposed development is easily accessed by pedestrians. There are footways on both sides of Doncaster Road, a staggered Pelican crossing some 65m to the east of the site access and a pedestrian island in A630 Doncaster Road near the junction with Dalton Lane.

### Public transport:

Bus services are considered to be good and serve a number of destinations.

### Cycling accessibility:

There is an advisory cycle lane on Doncaster Road although the TA considers the number of potential cycle trips to be minimal. The intended yellow box and Keep Clear markings in Doncaster Road at the site access could be a hazard for cyclists and should not be provided.

### Road safety:

No particular road safety problem has been identified and the No. and type of recorded accidents is to be expected on a busy road of this nature. The proposed development is not expected to have a detrimental impact on the No. or severity of accidents in the area.

### Travel planning:

The TP contains targets for sustainable transport to the store and is considered to be acceptable.

The amended access arrangements now omit the initially proposed keep clear markings following safety advice from the Transportation Unit.

With specific regard to the two objections received in terms of highway safety considerations and with regard to the likely generation of traffic and likely impact on the surrounding highway network the Transportation Unit have concluded that this is not likely to be materially detrimental. With regard to the concern raised about increased congestion from the yellow grid for adjacent land users, RMBC Highways have requested that the yellow box should not form part of this development.

Overall the Transportation Unit have concluded that the proposal is considered unlikely to result in a material adverse impact in highway/transportation terms and can be supported subject to conditions.

#### Drainage and Flood Risk issues

The majority of the site does not lie within an identified High Risk Flood Zone (Zone 3a) with the exception of the far north of the site which is covered by a fluvial flood zone. None of the site lies within recognised Surface Water Flood Risk area, with the exception of the far north of the site.

The proposal does involve some re-grading of the land (no import or export of material) in order to create a flat platform for the building footprint and car parking area. The Environment Agency have assessed the proposals and confirm that the majority of this site lies within Flood Zone 1 with the exception of an area around the northern boundary of the site which lies in Flood Zones 2 and/or 3. The final paragraph of the Flood Risk Assessment submitted with this application explains that no built development will take place within the area of Flood Zone 3, with this area being identified for use as public open space. This is also shown to be the case on the proposed site plan and on this basis the Environment Agency have no objection to this application.

In terms of surface water drainage issues, RMBC's Drainage Officer has indicated that he is satisfied with the revised drainage principles/calculations for this application. It is considered that the additional surface water runoff that may arise from the proposal can be adequately accommodated and overall there are no objections to this aspect, subject to the agreed drainage details to be conditioned.

Yorkshire Water have not raised any objections to the application, subject to conditions. However, regarding the 3 no. recommended conditions, the Council's Drainage Officer considers that following the revised details these can be amalgamated into a single condition to avoid duplication (*01 site shall be developed with separate systems of drainage for foul and surface water – separate systems are now shown on the revised drawings. 02 oil, petrol and grit interceptor/separator – the surface water is going through an interceptor and is going to a soakaway not the public sewer. 03 no piped discharge of surface water from the development prior to the completion of surface water drainage works is not relevant as the development is proposing to discharge to a soakaway*).

Overall, it is considered that the development of this site for the proposed scheme is acceptable in flood risk and drainage terms subject to conditions.

#### Noise and pollution control issues

The nearest residential properties are Millside Court flats to the west of the site, in excess of 30m from the proposed building and Pinewood Close, approximately 80m from the proposed building.

Policy SP11 Development in residential areas indicates that non-residential uses will be considered in light of the need to maintain the housing land supply and normally only permitted where they:

- a. Are ancillary to the residential nature and function of the area; and*
- b. Are no larger than is required to meet the needs of local residents; and*
- c. Will not have an unacceptable impact on the residential amenity of the area; and*
- d. Satisfy the requirements all other relevant planning policies; and*
- e. Demonstrate how they will be of benefit to the health and well-being of the local population.*

The application is assessed against each of these points as follows:

- a) The proposal whilst larger than the surrounding retail uses on Doncaster Road is considered to have a limited retail floorspace that will be ancillary to the mixed residential and commercial function of the area.
- b) The proposal is primarily considered to cater for the surrounding residential area and the majority of future visits are anticipated to come from the surrounding Dalton and Thrybergh catchment area within a 5 minute drive of the site.
- c) In terms of the impact on the residential amenity of the area, the hours of use proposed (07:00-23:00 Monday to Saturday and either 10:00-16:00 or 11:00-17:00 on Sundays) are considered to be typical for a development of this size and scale and satisfactory in this edge-of-centre location. There are a number of late night takeaway uses in the vicinity of the site and the proposal is not considered to have any significant additional noise impact on any nearby residential properties.
- d) As indicated in the principle of the development above, it is considered that the proposal meets the requirements of local and national policies.
- e) The previous Working Men's Club that stood on part of the site has closed and been demolished. Whilst this does not form a replacement community facility, it is considered that the use will be of benefit to the community with the creation of additional jobs and will bring a disused vacant area of land back into a productive economic use.

The applicant has also submitted a Japanese Knotweed strategy which has been assessed by the Council's Landscape Team as well as the Environmental Health department. Overall both teams have not raised any objections to this element of the scheme.

The Council's Environmental Health Service have not raised any specific issues relating to noise and land contamination issues, subject to conditions restricting hours of use beyond 2200 hours in the evenings. A number of informatives are also included.

No objections on noise grounds have been received from any nearby residential properties.



It is therefore considered that the application is acceptable when considered against policy SP 52 'Pollution Control'.

### Impact on Trees

A number of trees would be lost as part of this development, though the majority are considered to be of low value and provide limited amenity to the surroundings.

The Council's Tree Consultant is of the opinion that this development will not impact on any trees of significance. The local tree scape will not be negatively affected by this proposal. However, the roots and above ground parts of retained trees should be adequately protected during development.

The Council's Tree Consultant has not raised any objections to the application, subject to tree protection measures to be conditioned during development.

### Ecology issues

The Council's Ecologist has indicated that the Phase 1 habitat survey was conducted within the optimum time of year. The Ecologist agrees with the methods used and the findings and accepts the survey results. Although no reptiles were recorded during the survey, as a matter of good practice the site should be cleared under best practice methods.

The National Planning Policy Framework and local development plan encourages ecological enhancement of sites subject to development proposals. It is considered the current landscaping scheme for Doncaster Road could be enhanced with the additional of EM1 basic meadow mix within the proposed amenity grassland towards the back of the site. This would act to enhance habitats for invertebrate communities at the site whilst also providing an important food source for foraging bats. Further enhancements that could easily be met include the incorporation of bat, bird and hedgehog boxes. It is considered that a Biodiversity Improvement scheme, which would address these issues, could be satisfactorily conditioned.

Overall, subject to a biodiversity enhancement plan there are no objections to the proposals from an ecology standpoint.

### Landscaping

There is an area of landscaping proposed around the perimeter of the buildings and also on the western and southern areas of the site. The landscaping will assist in softening the appearance of the building as well as mitigating the large car parking area in the centre of the site. The revised landscape details (drwg.no.R/2080/1C) now include wildlife habitat boxes including hedgehog boxes, all of which are to be encouraged.

Overall, the Landscape Officer has raised no concerns regarding the clarified/revised landscaping scheme. The applicant intends to eradicate and monitor the knotweed over a number of years but it is considered that a final landscape proposal could be conditioned.

Overall it is considered that the proposed development is of an appropriate scale and design and which will comply with the general advice within the NPPF and Core Strategy Policy.

### Conclusion

The site is allocated for part Retail use (Local Centre) and part Residential use in the recently adopted Sites and Policies Document and it is considered that the applicant has satisfied the impact test requirements of Policy CS12 with no significant adverse impacts on any designated centre located within or outside of the catchment area of the new food store.

The applicant has satisfactorily demonstrated that there is no longer any community need in line with Policy SP62. The principle of the proposal satisfactorily complies with the NPPF, Core Strategy and Sites and Policies Document. Consequently the principle of development for an A1 retailer is considered acceptable in this location.

The site access is predicted to operate within capacity in both 2019 and 2024 design years and the proposal is considered unlikely to result in a material adverse impact in highway/transportation terms and can be supported subject to conditions.

No flooding or drainage concerns are raised subject to conditions.

The proposed design of the unit is considered to reflect a modern retail building that will be of a good architectural standard and will sit acceptably within the varied street scene and uses within this part of Dalton.

The submitted tree, landscaping and ecology information is overall considered acceptable, subject to final details with associated conditions where appropriate.

The application is recommended for approval, subject to conditions.

### Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Condition number 11 of this permission requires matters to be approved before development works begin; however, in this instance the condition is justified because:

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

ii. The details required under Condition number 11 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.

### 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)

Site plans 7189-00-2203 S4 – P9 (update 25.06.18)

Roof plan 7189-00-2203 S4 – P3

Floor plan 7189-00-2201 S4 – P3

Elevations 7189-00-2303 S4 – P3

External works plan 7189-00-2205 S4 – P6 (update 25.06.18)

Existing and Proposed Sections 7189-00-2204 S4 – P2

Design and Access Statement – Walsingham Planning

Japanese Knotweed eradication strategy JK17-3356-03

(received 16.04.18 and 18.06.18)

Reason

To define the permission and for the avoidance of doubt.

03

The development shall not be brought into use until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason

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

04

The building hereby approved shall be designed to achieve BREEAM Very Good rating as a minimum and a BREEAM Assessor's report (or alternative applicant sustainability statement) shall be submitted to and approved in writing by the Local Planning Authority. The building shall subsequently be developed in accordance with the approved details.

Reason

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

Noise

05

All deliveries to, or collections from the store shall be carried out between the hours of:

Monday to Saturday: 0700 – 2300

Sunday: 0900 – 2200

Reason

In the interests of the amenities of the locality and occupiers of nearby residential properties in accordance with the Local Plan.

06

The store hereby permitted shall be open to the general public between the hours of 0800 – 2200 Monday to Saturday  
1000 – 1700 on Sundays.

Reason

In the interests of the amenities of the locality and occupiers of the nearby residential properties in accordance with the Local Plan.

Highways

07

Details of the proposed access and alterations in A630 Doncaster Road indicated in draft form on plan reference 2205-S4-P6 shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use. The works shall include, but not by way of limitation, re-kerbing of the existing vehicular access, re-siting of bollards, lining and signing.

Reason

In the interests of road safety.

08

A sight line 4.5m x 43m shall be provided and thereafter maintained in the westerly direction at the site access to Doncaster Road, the area denoted by the sight line 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 interests of road safety

09

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and 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.

10

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

Reason

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

11

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

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the construction work;
- the location of the site compound and staff parking;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of proposed hours of construction on/deliveries to the site;

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

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

12

The submitted Travel Plan shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of road safety and in order to minimise disruption to the surroundings.

Drainage

13

The permission hereby granted shall relate to the approved drawings / calculations as set out below:

- 3153-S102 Rev. A (01.06.18) – Surface Water Drainage GA
- MicroDrainage Calculations Rev. A (01.06.2018)
- 3153-S124 (Apr 18) – Site Sections (Sheet 2)
- 016-3153-S103 (Dec 17) – Foul Water Drainage GA (Which was part of the original application)

Reason

To define the permission and for the avoidance of doubt.

Lighting

14

The external illumination of the proposed store and car parking areas shall be carried in accordance with the approved lighting details (reference Philips, drawing 01, HSR / AGG received 18.05.18 and 04.06.18).

Reason

In the interests of the amenities of the occupiers of nearby residential properties and in accordance with the NPPF and the adopted Local Plan.

### Landscaping and Ecology

15

Before the development is brought into use, the approved Landscape scheme as indicated on Dwg No R/2080/1C shall be implemented in accordance with RMBC Landscape Design Guide (April 2014) in the first available planting season after the commencement of development and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with the NPPF and the adopted Local Plan.

16

A biodiversity enhancement statement, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

In the interest of biodiversity.

17

A detailed Arboricultural Method Statement in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction, shall be submitted to the Local Planning Authority for consideration and approval and the development shall be implemented in accordance with the approved details. The submitted details shall include a detailed Tree Protection Plan.

Reason

In the interest of visual amenity of the surroundings.

### Pollution Control

18

The site shall be developed in accordance with the Remediation Method Statement (GDP PROJECT NUMBER 1757). Following the remediation of the site, a Verification Report should be forwarded to the Local Planning Authority for review and comment. 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.

19

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.

## **Informatives**

01

### RMBC Highways

- a) The applicant is reminded that the works required by condition No. 7 will necessitate the developers entering into a S278 Agreement, Highways Act, 1980.

02

### Yorkshire Water

#### Waste Water Observations:

- a) The developer is proposing to discharge surface water to SUDS. Clarity is required regarding the proposed means of surface water disposal.
- b) 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. The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.
- c) It is understood that a Dalton Brook is located to the east of the site. This appears to be the obvious place for surface water disposal.
- d) 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.
- e) The landowners consent will be required for the construction of a new outfall structure.
- f) Surface water run-off from communal parking (greater than 800 sq metres or more than 50 car parking spaces) and hardstanding must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to the public sewer network. Roof water should not pass through the traditional 'stage' or full retention type of interceptor/separator. It is good drainage practice

for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required.

- g) The public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water or combined sewer is available, surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings. Land and highway drainage have no right of connection to the public sewer network.

03

### Ecology

#### Mammals

- Mammal ladders (such as a plank) or earth ramps to be placed in any open excavations at the end of each day;
- Any open pipework to be capped overnight to prevent larger mammals from accessing the pipe work and becoming stuck;
- Night work should be avoided where possible, and any flood lighting should face away from the site boundaries; and
- Any chemicals or machinery are to be stored in a secure compound.

#### Hedgehogs

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.

#### Reptiles

Although no reptiles were recorded during the survey, as a matter of good practice the site should be cleared under best practice methods. The following precautionary methods of works should be observed:

- Clearance of all grassland/scrub during winter months (i.e. December – February) or in temperatures above 10°C between April and September;
- The grass to be cleared should be directionally strimmed to a minimum height of 150mm towards areas of suitable habitat. All arisings should then be removed from the working area immediately to prevent any reptiles taking refuge within. The cleared areas should then be left for 24 hours to allow for any reptiles present to relocate.
- After the 24-hour period, the remaining grass and top soil can be removed, with all arisings removed from the working area immediately. Cleared areas should be maintained as bare earth until the completion of the works to create a wholly unsuitable habitat for reptiles.

### 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.