

PLANNING REGULATORY BOARD

**Date:- Thursday, 2 August 2018 Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH**

**Time:- 9.00 a.m. for Site Visit
10.15 a.m. for Meeting**

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 12th July, 2018 (Pages 2 - 3)
6. Deferments/Site Visits (information attached) (Pages 4 - 5)
7. Visit of Inspection - Erection of 28 No. dwellinghouses, details of access and landscaping at land east of Penny Piece Lane North Anston for Duchy Homes & Yorkshire Merchant Securities Ltd. (RB2017/183) (report herewith) (Pages 6 - 28)
8. Development Proposals (report herewith) (Pages 29 - 61)
9. Report of the Assistant Director of Planning Regeneration and Transport (herewith) (Pages 62 - 87)
10. Updates
11. Date of next meeting - Thursday, 23rd August, 2018

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.

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 - 12/07/18

PLANNING BOARD
Thursday, 12th July, 2018

Present:- Councillor Sheppard (in the Chair); Councillors Andrews, Atkin, Bird, D. Cutts, Fenwick-Green, Sansome, R.A.J. Turner, Tweed, Walsh, Whysall and Williams.

Apologies for absence were received from Councillor M. S. Elliott.

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

10. DECLARATIONS OF INTEREST

There were no Declarations of Interest made at this meeting.

11. MINUTES OF THE PREVIOUS MEETING HELD ON 21ST JUNE, 2018

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 21st June, 2018, be approved as a correct record for signature by the Chairman.

12. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

13. 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:-

- Demolition of existing bungalow and erection of 24 No. dwellinghouses including details of access, landscaping and car parking on land at Carr Holme, Winney Hill, Harthill for Jones Homes (RB2016/1227)

Mr. H. Gray (on behalf of the applicant Company)

- Erection of retail food store (use class A1) with associated car parking, reconfigured access, landscaping, servicing and associated works on land off Doncaster Road, Dalton for Lidl UK GmbH (RB2018/0596)

Mr. J. McLeod (on behalf of the applicant Company)

(2) That application RB2018/0596 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That, with regard to application RB2016/1227:-

(a) the applicant shall enter into an Agreement in accordance with the provisions of Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:-

- the provision of 25% affordable housing on site;
- a commuted sum of £500 per dwelling towards sustainable transport measures; and
- the provision of a management company to manage/maintain areas of open space on the site.

(b) subject to the satisfactory signing of the Section106 Agreement, planning permission be granted for the proposed development for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

14. UPDATES

There were no items to report.

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.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING REGULATORY BOARD

VISIT OF INSPECTION – THURSDAY, 2ND AUGUST, 2018

1. RB2017/1832 - Erection of 28 No. dwellinghouses, details of access and landscaping at land east of Penny Piece Lane North Anston for Duchy Homes & Yorkshire Merchant Securities Ltd.

Requested by:- Anston Parish Council

Reason:- To enable Members to view the site due to the contentious nature of the application and the numerous objections lodged.

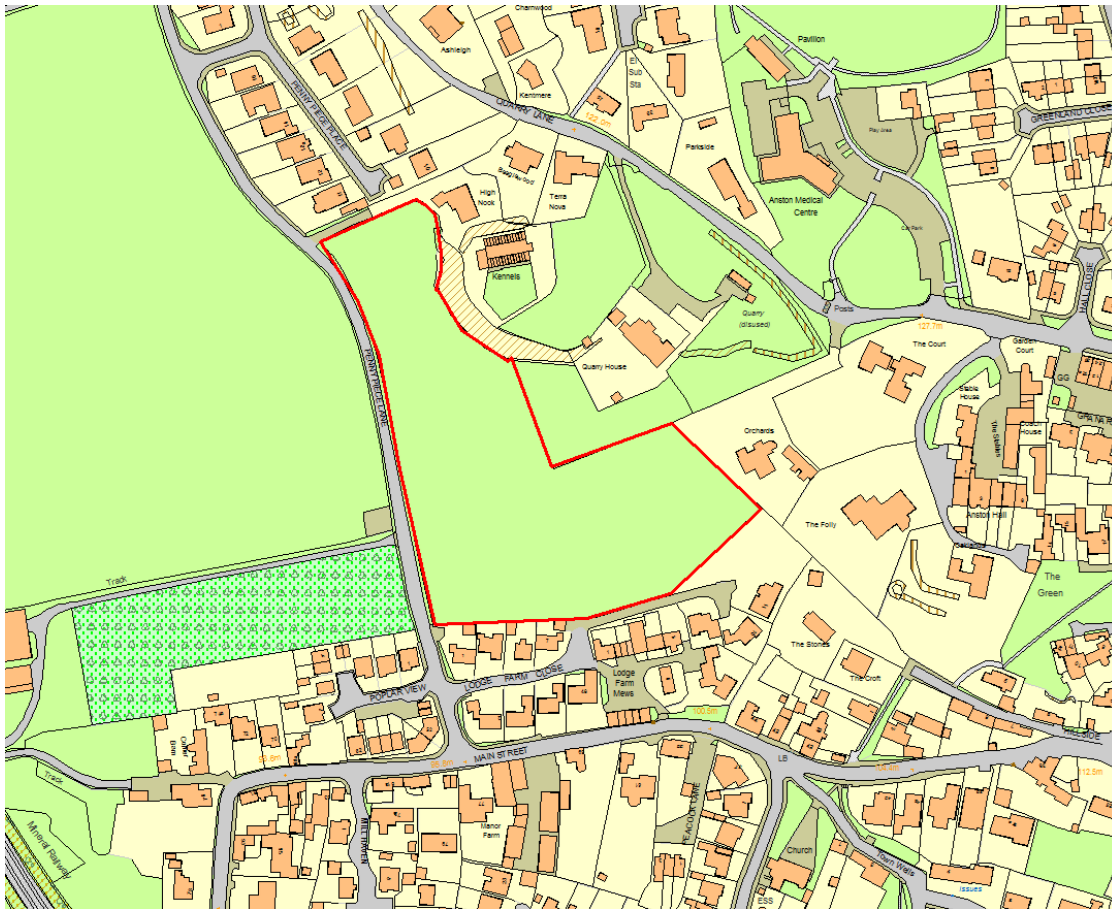
<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2017/1832	North Anston	9.25 a.m.	9.45 a.m.

Return to the Town Hall for approximately 10.15 a.m.

SITE VISIT NO. 1 (Approximate time on site - 9.25 a.m.)

Application Number	RB2017/1832
Proposal and Location	Erection of 28 No. dwelling houses, details of access and landscaping at land east of Penny Piece Lane, North Anston
Recommendation	<p>A That the applicant enters into a Section 106 Agreement under the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • Provision of 25% affordable housing on site • Commuted sum of £500 per dwelling towards sustainable transport measures • Provision of a management company to manage/maintain areas of open space on the site. <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 east of Penny Piece Lane and is surrounded to the north, south and west by residential development. The site falls on the edge of North Anston. The site measures approximately 1.7 hectares.

The site is bound by Penny Piece Lane to the west. To the north of the site there is Penny Piece Place and to the east there are a number of detached properties that are accessed off Quarry Lane. To the south of the site is Lodge Farm Close. Across the road to the east is open countryside. The North Anston Conservation Area boundary runs centrally through the site. The west site boundaries are formed by stone walling to Penny Piece Lane with hedgerows, trees and post and rail fencing around the remainder of the site.

The site is steeply sloping from the east running down to Penny Piece Lane to the west. There is currently no vehicular access to the site from Penny Piece Lane.

Background

There is no planning history at this site.

CIL:

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

Environmental Impact Assessment:

A screening opinion is not required for this development as the site does not exceed the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Proposal

The application seeks full planning permission for the erection of 28 No. dwellings with associated landscaping and a new access road at Penny Piece Lane to serve the development.

The dwellings will consist of 8 different dwelling types consisting of 6 No. 2 bedroom bungalows located to the north of the site adjacent to Penny Piece Place, 12 four bedroom dwellings, 10 five bedroom dwellings. The dwellings are designed in a postmodern design with a mixture of natural stone and red brickwork, with clay pantile roofs. They would have a traditional and broadly vernacular appearance.

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

An area of open space is planned at the front of the site adjacent to the access fronting Penny Piece Lane.

The site would be developed with the front boundary wall being demolished and re-built to allow for the widening of the carriageway to 5.5m in Penny Piece Lane and the footway on the site frontage widened to 2m. Traffic calming measures will also be provided on the site frontage.

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.

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 proposed development has been sensitive designed, particularly in respect of the quantum scale and proposed materials of the proposed dwellings to respect its position within and forming the context to the conservation area.
- The submitted plans confirm that the existing boundary wall to Penny Piece Lane will be maintained, and if necessary rebuilt to accommodate any highways realignment proposed.
- The layout of the proposed development provides opportunities for biodiversity enhancement through the additional planting and open space area in the south western corner of the site. Both of these proposed measures will enhance potential habitats for wildlife and will provide a form of sustainable drainage which will also contribute to green infrastructure.

Design and Access Statement

The vision for this site is the delivery of a new residential development that is fully integrated within the existing community of North Anston. The key aspirations of the development are to provide significant enhancements to the overall quality of the environment for both future residents and the existing community. The site can be appropriately developed to meet the strategic housing needs of the borough including market and affordable housing provision. The scheme includes sufficient parking and garage provision for residents and the style, height and character of the dwellings has been designed to respond to the topography of the site.

The proposals have evolved through pre-application discussions with the LPA and public consultation with local residents, councillors and interested parties. The plans demonstrate how the proposals have evolved through these discussions to respond to comments, opportunities and constraints presented by the site.

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 proposed layout is based on the principles set out in Manual for Streets, South Yorkshire Residential Design Guide and the Rotherham Core Strategy, 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. The main access route through the site is designed to create an attractive boulevard from which a secondary route leads to the remainder of the site. Based on pre-application discussions, the design avoids taking driveway access directly from Penny Piece Lane and seeks to provide sufficient parking within the site to deter parking on the main highway. The orientation of the dwellings provides an attractive streetscene both from within the site and when viewed from the surrounding area.

Heritage Statement

- This report finds that the application site makes a minor positive contribution to the character and appearance of the North Anston Conservation Area. The heritage impact upon the conservation area is expected to be 'less than substantial' in NPPF terms and is indeed no more than neutral-minor adverse. This is because none of the special

qualities of the Conservation Area identified in the Appraisal are affected and because the development has been sensitivity designed to respond to the character and appearance of the existing village.

The report concludes that the proposed works generally comply with local and national conservation policy and does not identify any heritage grounds sufficient for refusal of consent. Furthermore, while the development has been found to result in 'less than substantial' harm, significant public benefits have been identified.

Archaeology Report

An intrusive archaeological evaluation was carried out at the site. The evidence gathered during this scheme of works confirms the presence of archaeological remains within the red line site boundary, with the limited dating evidence suggesting the majority of these features are related to the limestone quarries and kilns that dominated later post-medieval North Anston.

Bat Survey

The survey results showed that the proposals are unlikely to result in significant impacts on local bat populations provided that the recommended protection measures are implemented.

The report makes further recommendations for biodiversity enhancement for bats across the site.

Flood Risk and Drainage Statement

- Surface water disposal has been considered in accordance with the drainage hierarchy in Building Regulations Part H 2002 and Planning Practice Guidance "Reducing the causes and impacts of flooding" paragraph 080 which state that disposal via SuDS methods is the preferred option.
- A site investigation has concluded that soakaways are not appropriate for this site, due to the steeply sloping nature of the site. It is proposed that surface water disposal will be to the existing public surface water sewer in Penny Piece Lane which outfalls to Aston Brook.
- The maximum discharge rate will be restricted via a flow control device to 9.4l/s in accordance with the LLFA requirements. Surface water attenuation will be provided on site to cater for the 1 in 100 years + 30% climate change event. The surface water outfall will drain by gravity.
- Foul water will discharge to the existing public foul sewer on Main Street.

Transport Assessment

- This report has provided a commentary on the existing Site and its conditions. The report concludes that the Site is in a sustainable location which provides future residents with opportunities to travel via alternatives modes of transport and minimise trips by the private car.
- The report states that personal injury accident information has been obtained which confirms that no accidents have been recorded in the vicinity of the Site within the latest 5 year period.
- The proposed Site access arrangements and visibility splays have been designed in accordance with Manual for Streets.
- The report states that off-site improvements in the form of carriageway and footway widening together with associated traffic calming features are proposed along the frontage of the development.

- The report concludes that there is no highway or transport related issues that prevent the proposed residential development of the site.

Ecological Appraisal

- The site is of low ecological value and presents no constraints to the proposed development. No significant impacts on protected or notable species, or on designated wildlife sites or important habitats would be expected.
- The report concludes that the no further survey work is required before the site is developed for residential use.
- The report makes a number of recommendations for biodiversity enhancement across the site.

Geo-environmental Appraisal

This report makes a number of recommendations that relate to ground works on the site which need to be undertaken before the site is re-developed for residential development.

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 8th November 2017, approximately 61 letters were posted to local residents and a dedicated website was created to provide further details to the local community. The applicant notes that in total 21 on-line responses were received to the public consultation. The applicant states that the approach to the public consultation has been in accordance with the Council’s Community Involvement Statement and that the development proposals have responded positively to the feedback received.

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 (H82). 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'
SP26 'Sustainable Transport for Development'
SP32 'Green Infrastructure and Landscape'
SP37 'New and Improvements to Existing Green Space'
SP41 'Conservation Areas'
SP55 'Design Principles'
SP64 'Access to 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 July 24th 2018. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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. 31 letters of objection have been received including one from Anston Parish Council and one from a local Ward Member, who has requested a site visit.

The objectors state that:

- Penny Piece Lane is narrow and currently used as a rat run by HGVs and other vehicles. The residential development of this site would be dangerous in terms of highway safety on this narrow road which has seen a number of accidents within the vicinity.
- Object to the loss of this Green Belt land and the development would harm the openness and character of the Green Belt.
- There are more suitable brown field sites available in the local area for residential development which would be preferable to developing this site.
- There is no need for more housing in this area.
- The proposal provides less than the Council's 25% affordable housing requirement.
- There is no need for expensive luxury housing in this area. The housing should be affordable for local residents.
- The development would ruin the quiet village character of the surrounding area and would harm the character and appearance of the North Anston Conservation Area by the loss of this open site.
- The Design and Access Statement is inaccurate there is no access from the site to Penny Piece Place.
- The roofs should all be clay pantiles not a mixed palate.
- The new dwellings would overlook and overshadow neighbouring properties.
- Due to level changes across the site the new dwellings would harm the outlook of neighbouring residents. The new dwellings should be single storey only.
- The development would be harmful to ecology across the site including, birds, bats and other wildlife.

- Object to noise and disturbance from the development and from light pollution from the site.
- No local services are close in this part of the village; this would require more car journeys, and public transport from this site is poor.
- Loss of light from proposed trees to be planted across the site.
- Drainage concerns and potential flooding from the site.
- The dwellings should have sufficient parking and the garages should be wide enough for cars to park in.
- The Council have not done enough publicity for this proposal, more neighbours should have been consulted.
- The hedgerow and stone wall to the front of the site will have to be removed to allow for the road to be widened. Object to this. If it happens then the stone wall and hedgerow needs to be reinstated.
- Impact on local services including school places, doctors surgeries and other local services.
- The developer should provide an Environmental Impact Assessment to assess the impact of the loss of this Green Belt land.
- The developer is not providing any open space at the site and there is no mention of a management company to maintain communal areas across the site.
- The site has archaeological significance this should be fully assessed before planning permission is granted for this development.
- The submitted Traffic Report is inaccurate and does not reflect the real situation in terms of vehicle movements and highway safety.
- Parking restrictions should be placed on Penny Piece Lane.
- The new dwellings should have their permitted development rights removed so that the impact on neighbouring residents can be controlled in the future.
- Concerns about the impact on local utilities such as electricity and broadband speeds.
- The development could lead to subsidence to neighbouring properties or lead to damage to boundary walls.
- A structural survey of local road bridges should be required to ascertain if they can cope with the additional traffic.
- Most local residents object to this application and their concerns are being ignored.
- A stone boundary wall should be built between the edge of the site and Lodge Farm Close to prevent overlooking.
- Loss of view
- Local residents have requested a site visit for Members to assess the application.

The Parish Council state that:

- Concerns about the loss of the Green Belt land in the village.
- Deficiency of Local Facilities, this development could impact the school and Doctors Surgery.
- Loss of a view for local residents across the site.
- Loss or effect on ecology including bats and owls and associated wildlife.
- The development will create highways issues with concerns about Penny Piece Lane and highway safety within the vicinity.

Five right to speak requests have been received from neighbours and a local Ward Member who wish to object to the application. The applicant has also 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, notes that the survey data is acceptable and that the site could safely accommodate the development proposed.

The Transportation Unit note that the site layout has been amended as per their previous recommendations to include the following amendments;

- 1) A proposed adopted highway with two private drives serving 28 houses in total. The highways have been designed in accordance with guidance from The South Yorkshire Residential Design Guide.
- 2) On site car parking facilities comply with the Council's minimum residential car parking standards.
- 3) Visibility splays 2.4m x 43m shall be provided at the proposed site access with Penny Piece Lane.
- 4) The adopted carriageway fronting the site (Penny Piece Lane) is to be upgraded by increasing the width of the carriageway to 5.5m and the footway on the site frontage to 2m. Traffic calming measures will also be provided on the site frontage.

The Transportation Unit recommends a number of conditions that relate to the proposed development including the submission of the recommended highway improvements to Penny Piece Lane.

Tree Consultant acting on behalf of the Council: Raises no objections to the proposed development subject to recommended conditions relating to suitable tree protection measures being installed during the construction process.

RMBC (Landscape Unit): Raise no objections to the proposals subject to a detailed landscaping condition.

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

RMBC (Environmental Health - Land Contamination): The application site is not considered to be at high risk for ground contamination. However, a precautionary condition is recommended to undertake intrusive investigation works should to assess for the presence and extent of contamination to confirm the potential risks to the end uses of the site.

RMBC (Environmental Health): Raise no objections to the proposals in terms of noise nuisance. However, a suitable condition is recommended relating to potential land contamination at the site.

RMBC (Ecology): Is satisfied that the methods used were appropriate and agree with the assessments made. Therefore has no issues with planning permission being granted subject to the submission of a biodiversity enhancement conditions.

RMBC (Affordable Housing Manager): Notes that this scheme provides 6 units on site which equates to 21% of the total scheme, below the Council's 25% target. However, the reduction in the number of affordable housing units is acceptable in this case as bungalows are more "land hungry" as they have a larger footprint than 2 and 3 bedroom houses. Thus on an equivalent basis the 6 bungalows will utilise the same amount of land as 7 x two and three bedroom houses. As there is a very strong demand for 2 bedroom Council bungalows in this locality this level of provision is acceptable in this instance.

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.

South Yorkshire Police: No objections subject to relevant conditions.

Environment Agency: Raises no objections.

Severn Trent: Raise no objection to the application subject to a recommend condition relating to the details of foul and surface water drainage being conditioned.

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
- Design, scale and appearance, including impact on North Anston Conservation Area
- Provision of open space on site
- Highway issues
- Flood risk and drainage
- Ecology/biodiversity matters
- Landscaping/tree matters
- Impact on existing/proposed residents
- Affordable Housing provision
- 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 27 June 2018 and allocates the site for 'Residential' purposes. It forms part of Housing Site H82 (total area 1.88 hectares) and the Sites and Policies Document indicates the total site has a capacity of approximately 38 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. Dinnington, Anston and Laughton Common are identified as principal settlements for growth, which are identified to provide 1,300 dwellings as part of the Local Plan. This site being within North Anston comprises an integral part of this principal settlement for growth.

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 H82 for a total of 38 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 28 houses on this part of the site is broadly in keeping with indicative Sites and Policies Document allocation of 38 dwellings.

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 a post office, medical centre, pub, primary school and local shops.

Design, scale and appearance including impact on North Anston Conservation Area

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 124 states: "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 130 adds: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."

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 site is roughly divided down the middle by the boundary of the North Anston Conservation Area. As such consideration needs to be given to the impact on the Conservation Area. In this respect, Policy SP41 'Conservation Areas' states that: "Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles: (amongst other things)

- a. developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham's Conservation Areas and their settings."

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. An access point to the remainder of the allocated housing site has been provided which would allow vehicular access to this land.

The site would be developed with the boundary wall being demolished and re-built to allow for the widening of Penny Piece Lane with a green landscaped area to the south of the frontage of the site which is considered to provide a soft edge to the Green Belt boundary across the road to the west of Penny Piece Lane.

It is considered that this wall is an attractive feature of the site and contributes positively to the character and appearance of the Conservation Area. Whilst it's loss is regrettable, if the stone is re-used and the wall is re-built then it would help to preserve the character of this part of the Conservation Area and would create an attractive entrance feature to the development. However, it is considered reasonable to append a suitable condition requiring the details of the wall are approved and the stone is re-used.

With regard to the design of the dwellings, it is considered that the two storey dwellings located within the Conservation Area are designed to have traditional features and would utilise high quality materials such as natural stone and natural clay pantile roofs. These materials would be used in all the properties fronting Penny Piece Lane (including those not within the Conservation Area) along with the affordable housing bungalows just behind. The applicant proposes that the remaining properties would be constructed of artificial stone and concrete tiles, including many in the Conservation Area, noting that the boundary of the Conservation Area is not reflected by visual features on the ground at present. Within this context, it is the applicant's view that it would be more appropriate to provide stone across the Penny Piece frontage, where it will have a more positive visible impact, than including it further within the site, where particularly to the rear of the site, it will be viewed, to a limited degree, in the context of a brick bungalow.

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 Penny Piece Lane and throughout the site.

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 and the Conservation Area.

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."

The current application only relates to 28 dwellings and even if taken with the additional land is unlikely to generate the 36 dwellings as suggested in the overall site allocation at H82. Notwithstanding this, the development provides approximately 600sqm of Green Space on site in the form of a landscaped area to the south of the entrance at the front of the site fronting

Penny Piece Lane. This would be accessible for recreational use and would add some visual relief to the development. Furthermore, Greenlands Park is located within a relatively short distance of approximately 550m from the application site. As such, it would not be unreasonable for people living on the new development to walk to it given the village location.

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 notes at paragraph 109 that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The NPPF further notes at paragraph 111 that: All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed."

The Site Development Guidelines for H82 as set out in the Sites and Policies Document states: "A Transportation Assessment or Statement will be required to identify suitable access to the highway network and promote accessibility by non car modes."

It is noted that neighbouring residents and the Parish Council have raised concerns about the safety of Penny Piece Lane, due to its width and use as a rat run. Neighbouring residents have also raised concerns about the number of accidents on and within the vicinity of Penny Piece Lane and concerns were raised about adding additional vehicular movements from this development.

The Council's Transportation Unit have assessed the proposals and consider that the site is 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.

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

In order to promote sustainable travel choices in accordance with the Council's Sites and Policies Document the applicant has agreed to provide a contribution of £500 per dwelling which would be used on local improvements to aid sustainable travel. Subject to this being secured through the S106 Agreement no objections are raised in terms of sustainability at the site.

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 109 and 111 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.

Paragraph 163 of the NPPF notes that: "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment."

During the course of the application the applicant has worked with the Council to provide additional information to overcome the Drainage Engineer's concerns. The Council's Drainage Engineer has confirmed that the proposed scheme is acceptable subject to a recommend condition requiring the submission of additional details relating to sustainable drainage techniques, the limitation of surface water run-off from the site, and details of the future maintenance responsibility for these drainage features.

Having regard to the above and subject to the recommended conditions 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 175 that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."

The Council accepts the key findings of the applicant's ecology report that the development of the site will not harm local ecology. The Council's 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 features consisting of bird and bat boxes and native planting in the landscaping of the communal areas.

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 6 individual trees, 7 groups of trees and 1 hedge positioned on or immediately adjacent to the application site. The proposals include the removal of 2 trees and the hedge and no objections are raised to these being removed. It is considered that suitable re-planting can be accommodating within a landscaping scheme for the site. A condition has therefore been attached requiring that trees to be retained are suitably 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 South Yorkshire Residential Design Guide.

Further to the above the NPPF at paragraph 127 states that planning decisions should ensure that developments "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

In terms of the immediate neighbour at No.3 Lodge Farm Close it is noted that the gable end of Plot 2 would have been located within 12 metres of the rear elevation of this property. Further to negotiations with the applicants they have agreed to re-position the garage on the plot to position the dwelling further away from this property with the single storey garage being located approximately 8 metres from the boundary with this property. The gable end of Plot 2 would be located approximately 20 metres away from the rear elevation of No.3 Lodge Farm Close which is in excess of the Council's minimum spacing standards.

It is noted that neighbouring residents have raised concerns about harm to outlook and overshadowing from the proposed dwellings. However, as the closest dwelling to any neighbouring property is Plot 2 at a distance of approximately 20 metres it is considered that, even taking into account level changes, the new dwellings would not overlook or appear overbearing to neighbouring residents.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 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.

Affordable Housing provision

Core Strategy Policy CS7 'Housing Mix and Affordability' states that sites with 15 dwellings or more shall provide 25% affordable housing.

This application will trigger the Affordable Housing Policy of 25% of all homes being brought forward as affordable housing units. However, the Council wishes to encourage developers to build bungalows as affordable housing units. These bungalows are suitable for older people and those with a disability and more housing for both these groups are a priority in the Council's Housing Strategy. Following negotiations with the developers they have agreed to

build 6 bungalows as affordable housing units for rent (21% overall provision). The Council will purchase the bungalows and add them to Council housing stock.

The area of the site which is utilised to build the bungalows is equivalent to 7 market houses which would be the alternative affordable housing offer. This is because the bungalows have a larger "footprint". Therefore on an equivalent basis the offer of fewer bungalows is the equivalent of 25% market houses, despite falling below the policy level. In this instance, the benefits of specialist housing (bungalows) can justify a reduction in the level of Affordable Housing to below policy level, and comply with Core Strategy Policy CS7.

Other comments raised by objectors

Neighbouring residents have raised concerns about noise and disturbance from the development and from light pollution from the site. Whilst this is noted it is considered reasonable to append an informative about good working practices to any planning permission granted in this respect. With regards to light pollution it is inevitable that the new development will lead to greater light pollution than at present, though it is not considered that this would significantly harm the amenity of neighbouring residents.

Neighbouring residents raised concerns that the Council have not done enough publicity for this proposal, more neighbours should have been consulted. The Council has undertaken and exceeded the statutory minimum requirement in respect of a proposal of this nature, with advert in the press and on site (site notices posted on Lodge Farm Close, Penny Piece Place, Main Street and two on Penny Piece Lane) and all immediate neighbours having been written to. As such, it is considered that the Council has undertaken the appropriate level of publicity for this planning application.

The development could lead to subsidence to neighbouring properties or lead to damage to boundary walls. Whilst this is noted if this were to occur it would be a civil matter between the land owner and the relevant home owner. However, the Council has no reason to believe that this would occur on this site.

It is noted that neighbouring residents have raised concerns about Loss of view. Whilst this is noted, the loss of a view is not a material planning consideration and therefore cannot be taken into consideration in regards to this application.

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 56 of the NPPF.

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

- provision of on site affordable housing in the form of six 2 bed bungalows.
- 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 56 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 27 June 2018 and allocates the site for 'Residential' purposes. It forms part of Housing Site H82 (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, 10, 13 and 15 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 7, 10, 13 and 15 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

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) except as shall be otherwise agreed in writing by the Local Planning Authority.

(Drawing Numbers NA/ 004/ 010/ DH – G1/ 014)(Received 01/12/2018)(Drawing Numbers NA – 203 – EL Rev A/ 409 – EL Rev A/ 501 – FL/ 420/EL Rev A/ 420 – FL/ 525 – EL Rev A/ 525 – FL/ 412 – EL Rev A/ 412 – FL Rev A/ 411 – EL Rev A/ 411 – PL/ 001 Rev S/015 Rev E/010 Rev F/ 011 Rev E/ 010 Rev A/)(Received 20/07/2018) (Drawing Numbers NA-016 Rev B)(Received 24/07/2018)

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, street lighting provision and widening of Penny Piece Lane carriageway and footway,(as shown in draft form on Plan NA-001 Revision L) 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.

08

Before the development of plots 19-24 is brought into use the car parking area shown on the proposed site layout to serve these plots shall be provided and marked out, and the area shall thereafter be maintained for car parking.

Reason

In the interests of highway safety.

Ecology

09

A biodiversity enhancement plan, which shall include the provision of bat boxes and bird boxes 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

10

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

The detailed plans to be submitted in accordance with this outline permission shall include a detailed landscape scheme. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

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

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

Reason

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

12

The trees on the site shall be protected in accordance with the details shown on Drawing NA-008 (Received 01/12/2017). The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with Sites and Policy Document Policy SP33 'Conserving and Enhancing the Natural Environment.'

Drainage

13

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

- * The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- * The limitation of surface water run-off to a maximum of 9 litres/second;
- * The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- * 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.

Soil storage

14

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.

Ground Contamination

15

Before the commencement of ground works on site, the applicant shall carry out the all the recommendations made in the Geo Environmental Report ref: C7288. The recommendations are specified on pages 32-40 of the report and the developer needs to ensure that these are complied with in full to protect future occupiers of these residential properties from any significant harm.

Reasons

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

Levels

16

Prior to the commencement of any over ground development details of the finished floor levels of the approved properties shall be submitted and approved in writing. The development shall be implemented in accordance with the approved levels.

Reason

In the interests of the amenity of the existing residents adjoining the site in accordance with the NPPF and the Development Plan.

Informatives:

01

Control of working practices during construction phase (Close to residential)

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

POSITIVE AND PROACTIVE STATEMENT

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

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
02 AUGUST 2018**

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

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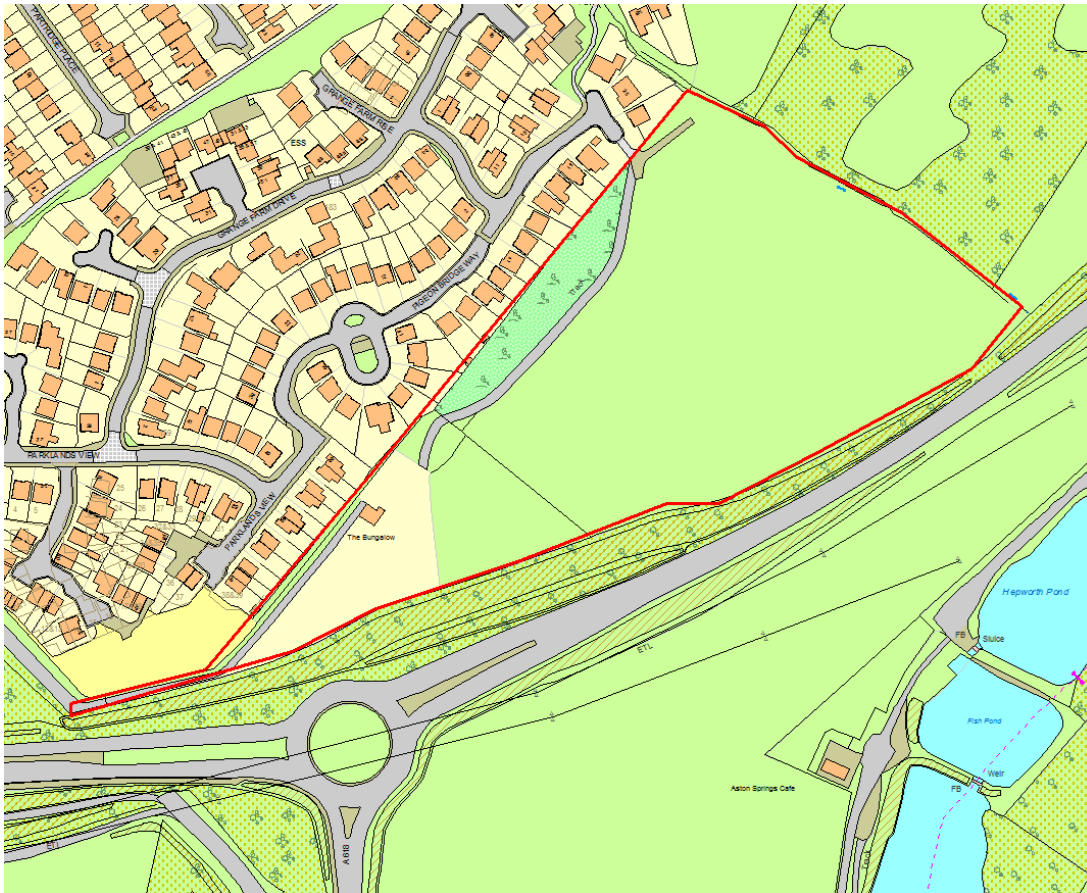
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**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 02 AUGUST 2018**

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

Application Number	RB2018/0021
Proposal and Location	Erection of 100 No. dwellinghouses with associated access, open space including play area, and ancillary works at Land north of A57 bypass, east of Mansfield Road, Aston.
Recommendation	<p>A That the applicant enters into a Section 106 Agreement under the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • Provision of 11 No. bungalow properties on the site to be purchased by the Council as affordable homes for rent and retained in perpetuity • Commuted sum of £500 per dwelling towards sustainable transport measures • Provision of a management company to manage/maintain areas of open space and Local Equipped Area for Play (LEAP) on the site. <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 consists of a roughly triangular shaped piece of land which sits between a modern development of residential properties on Pigeon Bridge Way and Parklands View to the north-west and the A57 Bypass at Aston. The application site covers an area of approximately 3.94ha.

In the far south corner of the site is an existing bungalow property which was associated with a scrap yard; this is the only part of the site which is previously developed, the remainder of the site is greenfield and has the appearance of arable land.

The access to the site is from Parklands View which currently serves access to The Bungalow.

There is a strong landscape boundary between the site and the A57 such that the site is not visible in this direction. There is also a strong landscape boundary along the northern site limit.

The site has differing land levels rising steeply close to the entrance and then steadily beyond this.

Background

RB2016/0191 – Application to determine whether prior approval is required for the method of demolition and restoration of the site re: 1no. bungalow – Granted

CIL:

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

Environmental Impact Assessment:

A screening opinion is not required for this development as the site does not exceed the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Proposal

The application seeks full planning permission for the erection of 100 No. dwellinghouses including details of access, landscaping, & car parking.

The proposal is made up of 14 No. 2 bed properties, 36 No. 3 bed properties, 40 No. 4 bed properties and 10 No. 5 bed properties. The proposal includes the provision of 11 No. 2 bed roomed bungalows as affordable housing units for rent. The development includes the provision of 5,550sqm of public open space, and a children's play area is proposed in the northern corner of the site.

Improvement works to the existing adopted service road which will form the main access to the site are proposed and include the narrowing of the carriageway, provision of a 2m wide footway, street lighting, drainage and pedestrian tactile dropped crossing facilities.

During the course of the application the proposals have been amended, primarily through the inclusion of a proposed children's play area, and the re-siting of dwellings to achieve an acceptable layout.

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 layout has been designed to make the most efficient use of the site's area (3.94 hectares) with 100 residential units given a density of 26 dwellings per hectare. The density is impacted upon by the site characteristics such as the triangular shape of the plot, provision of on site open space, and provision of on site land hungry elderly/ disability specific bungalows.
- On site open space is provided in the form of two areas, one to the north east corner and one to the south east where the site is at its widest point along its eastern boundary. An access point is also provided for such a time when the 'Safeguarded' site to the east (SG15) should come forward and the location of open space is as such ideally placed to benefit additional users on the adjacent site.
- The Transport Assessment prepared by Matrix demonstrates that safe and appropriate vehicular access will be provided via a priority junction with

Parklands View. Adequate areas for safe vehicle circulation and turning will be provided, including for emergency access and refuse collection. Parking (car and cycle) is also provided in accordance with the prevailing development planning policies.

In conclusion the planning statement states that: “The proposals represent sustainable development in-line with the strong presumption in favour of sustainable development in the Framework and significant public benefits to the site and wider economy will result from this development.”

Flood Risk and Drainage Assessment

- The site does not lie within an area shown on flood maps as at risk of flooding and is not at significant risk of flooding from any source.
- Surface water disposal will be to the watercourse bounding the site.
- Surface water discharge will be attenuated to the greenfield rate of 5.0 l/s/ha.
- Attenuation storage will be sized for the 1 in 100 year event plus climate change event with allowance for urban creep event and will be accommodated in an underground tank within public open space on the site.
- Foul pumping will be required.

Phase 1 Habitat Survey

- No designated sites were identified within or immediately surrounding the surveyed area, the closest site lies 60m from the surveyed area and is separated from the site by the busy A57. Therefore, there will be no direct impact on designated sites during the proposed development.
- The increase in public presence is assessed as insignificant due to the high levels of residential housing in the surrounding area.
- The habitats within the development footprint are predominantly common habitats with a low ecological value with the higher value habitats being located around the site boundaries or on adjacent land.
- The dense scrub and trees were assessed as providing a high ecological value.
- The remaining habitats within the development footprint are low value habitats found in abundance throughout the surrounding area, those being fences and tarmac roads.
- The habitats along the site boundaries, predominantly the eastern and southern boundaries, are high value habitats including woodland, running water and mixed plantation. These habitats lie outside the development footprint and there will therefore be no loss of these habitats during the proposed development.
- The current development plan will predominantly impact on the areas of the site with a lower ecological value and will retain most of the high value habitats, with the exception of several areas of dense scrub and some scattered trees. Therefore, it is assessed that the development will have minimal impact on the ecological value of the site with the inclusion of suitable enhancements reducing the overall impact on the ecological value of the site.
- The surveyed area was assessed as providing a moderate value foraging and commuting habitat for bats due to the presence of tree lines, which provide suitable flight paths, and scrub and grassland, which provide foraging potential. It was however assessed as predominantly providing potential for common light tolerant species due to the presence of the busy A57 immediately to the south, which will be lit during the night, and the presence of residential housing along the northern site boundary.

- The proposed development plans retain the high value commuting routes around the boundaries of the site with the residential gardens within the completed development assessed as providing suitable foraging areas for some bat species. Therefore, it is assessed as unlikely that the development will have a significant impact on foraging and commuting bats if a suitable lighting plan can be implemented, with enhancements implemented during the development potentially increasing the overall value of the site for bats.

Building for life 12 assessment

“The proposed development scheme scored a total of 12 ‘greens’ out of a possible 12. 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

- There has been a positive and productive dialogue with the Local Planning Authority Officers including a pre-application meeting. The level and nature of the consultation that has taken place is considered appropriate and suitable.
- The consultation has helped to build confidence and improve understanding of how the design proposals will function.
- The allocation of this site for housing has been subject to public consultation through sites and allocation. Furthermore, the responses of local residents and pre-application feedback provided by officers have both been carefully considered by the applicant. Once this full planning application has been submitted there will be another opportunity to comment as part of the Local Planning Authority’s formal, public consultation process.
- In conclusion, it is considered that the pre-application consultation used by the applicant is in accordance with the Council’s policy.

Tree Survey

From the tree survey findings, comments and observations, it will be seen this development only requires the loss of low grade trees. Equally important the proposal provides an opportunity to carry out additional landscaping that will serve to enhance visual amenity.

Noise Assessment

- The ambient noise climate at the site is due to traffic on the A57 to the south.
- Recommendations for the building envelope specification (fenestration and ventilation) and boundary treatments have been provided to protect the proposed residential development from the ambient noise climate in accordance with pertinent guidance.
- On this basis, the ambient noise climate is not considered to represent a constraint to the proposed residential development.

Air Quality Assessment

- The impact of dust soiling can be reduced through appropriate mitigation measures, and the implementation of best practice measures will help reduce the impact of the construction activities.
- In relation to the impact of vehicle emissions the predicted concentrations across the proposed development are below the relevant air quality objectives. Mitigation measures are proposed.

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 (H90). 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
- CS19 Green Infrastructure
- CS20 Biodiversity and Geodiversity
- CS21 Landscape
- CS22 Green Space
- CS24 Conserving and Enhancing the Water Environment
- CS25 Dealing with Flood Risk
- CS27 Community health and safety
- CS28 Sustainable Design
- CS32 Infrastructure Delivery and Developer Contributions
- CS33 Presumption in favour of sustainable development

The Rotherham Sites and Policies Document:

- SP1 Sites Allocated for Development
- SP11 Development in Residential Areas
- SP26 Sustainable Transport for Development
- SP32 Green Infrastructure and Landscape
- SP33 Conserving and Enhancing the Natural Environment
- SP36 Soil Resources
- SP37 New and Improvements to Existing Green Space
- SP39 Design and Location of Green Space, Sport and Recreation
- SP47 Understanding and Managing Flood Risk drainage
- SP52 Pollution Control
- SP54 Contaminated and Unstable Land
- SP55 Design Principles
- SP 56 Car Parking Layout
- SP57 Sustainable Construction
- SP64 Access to 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 July 24th 2018. It states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”

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 was originally advertised by way of press and site notices along with individual neighbour notification letters to adjacent properties. The proposal was re-advertised by site notices and individual neighbour notification letters when the plan was amended (primarily through the inclusion of the proposed children’s play area on site, and the re-siting of dwellings). 12 letters of representation were received to the original plans, including Aston-Cum-Aughton Parish Council. 7 letters of representation have been received to the amended plans.

The objectors state that:

- The Local Primary School is already oversubscribed and this development would add pressure – where would the children go to school?
- Increased pressure on local facilities eg Doctors surgery
- The development would result in increased traffic on surrounding roads.
- The site is poorly served by public transport leaving residents without a car isolated.
- There is no safe area for children to play and no recreational facilities are proposed.
- The site is important for wildlife and the development would have a detrimental impact on species on the site, some of which are protected
- When residents bought their houses they were told that the land was Green Belt and it should remain as open countryside.
- The development will lead to increased surface water and flooding.
- The development will be close to proposed HS2 route and Gulliver’s
- The new dwellings will result in a loss of privacy and overlooking of the existing properties on Pigeon Bridge Way.
- 100 houses is too many on this site
- New houses are proposed adjacent to existing boundaries
- Traffic congestion will result from using the existing road into the site.
- The development will lead to noise and disturbance to local residents;
- The new dwellings will suffer from noise from the A57.
- The proposed boundary treatment with existing properties is overbearing.
- Planners are invited to visit objectors home to assess the impact, not just from the office.
- Existing residents will suffer from years of building works with associated nuisance

- Only adjoining houses were consulted by letter, the wider community should have been consulted

Aston cum Aughton Parish Council have made the following points –

- The site is allocated for Green Belt, and the submission of the application is premature.
- Infrastructure Shortfall including education, health and roads which are overstretched
- Flooding Issues have previously occurred on the site adjacent to the watercourse. The development should mitigate the flooding taking into account investigations carried out following the 2007 and 2009 flooding of the area

7 Objections were received to the amended plan and the second round of publicity. Objections included issues raised above and also included –

- Concern over the position of the work compound, its access, storage of flammable goods and lighting near existing dwelling, and it will attract children – how will it be managed
- Who will upkeep the play area and green spaces?
- High level of pollutants found in the soil which could contaminate existing land and watercourses.
- Change to view and reduction of light to existing houses
- Reduced air quality
- The existing site will be like 'Wacky Races'
- The recreation area proposed on the existing estate was never provided how do we know it will be on this site
- The footpaths on the existing site are overgrown and not maintained

Consultations

RMBC (Transportation and Highway Design) - Confirm that the revised layout has now addressed my previous concerns and complies with the South Yorkshire Residential Design Guide and the principles of Manual for Streets. It is noted that the applicant is to enter into a Section 106 agreement with the Council for the sum of £500 per dwelling for measures to improve sustainable initiatives in the area in accordance with guidance set out in the Council's Sites and Policy document. This being the case there are no objections to the granting of planning permission in a highway context subject to recommended conditions.

RMBC (Affordable Housing Officer) - The Council wishes to encourage developers to build bungalow properties as affordable housing units. These bungalows are suitable for older person accommodation and those with disabilities. The developer has agreed to build 11no. bungalows which will be purchased by the Council and added to the housing stock as affordable homes for rent. The area of land which is to be used to build 11no. bungalows is equivalent to 25no. town houses which would be the alternative affordable housing offer. This is because the bungalows have a significantly larger footprint. On this basis, it is considered that there is justification to allow a reduction in the percentage of affordable housing provided in terms of policy.

RMBC (Environmental Health) - No objections subject to recommended conditions. In respect of air quality, notes that the Air Quality Assessment is acceptable subject to recommended conditions.

RMBC (Landscape Design) - No objection subject to recommended conditions.

RMBC (Drainage Engineer) – No objections subject to recommended conditions

RMBC (Leisure and Green Spaces Manager) - Appropriate open space is provided on site together with a LEAP in an appropriate location and the provision of a green link along the watercourse is supported.

RMBC (Ecology) - No objections subject to a condition.

Tree Consultant acting on behalf of the Council - The proposed layout can be achieved without the loss of any significant trees. No arboricultural impact assessment has been submitted with the application, but the proposed layout is such that nuisance to future residents from trees is unlikely to be a significant concern.

RMBC Education – This will fall under the CIL for Secondary Education

NHS - there could be a potential 512 residents. There are 2 big practices within this postcode so the impact would be on these practices. The practices should be able to take these patients.

Sheffield Area Geology Trust – No objections

Environment Agency – No comment

Yorkshire Water – Recommend conditions to be attached to any permission

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
- Design, scale and appearance
- Provision of open space on site
- Highway issues
- Flood risk and drainage
- Ecology/biodiversity matters
- Landscaping/tree matters
- Impact on existing/proposed residents.
- Affordable Housing provision
- Other comments raised by objectors
- 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 27 June 2018 and allocates the site for 'Residential' purposes. It forms part of Housing Site H90 (total area 3.57 hectares) and the Sites and Policies Document indicates the total site has a capacity of approximately 117 dwellings.

Core Strategy Policy 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. Aston is identified as a Principal Settlement, which along with other villages and settlement is to provide 560 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."

Sites and Policies Document Policy SP1 'Sites Allocated for Development' identifies sites that are allocated for development and contribute to meeting requirements set out in the Core Strategy. SP1 allocates the site as H90 for a total of 117 dwellings.

Sites and Policies policy SP11 'Development in Residential Areas' states that all residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.

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. Whilst the number of dwellings on the site (100 houses) is slightly less than the 117 set out in the Sites and Policies Document, bearing in mind that there is the provision of a number of bungalows (which require additional land), it is considered that the density of the proposed development is acceptable.

Sites and Policies Document 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 is within 800m of primary schools, recreation grounds a hotel and just beyond this distance there are shops a post office and a pub. Whilst they are not all within the identified 800m walking distance, it is considered that there are a wide range of facilities accessible to future occupiers of the site. It is also noted that the Site Specific Guidelines in the Local Plan did not suggest or require provision of local services or

facilities in order for the site to be sustainable. The proposal is therefore considered to be acceptable in this respect.

Objections have been received on the grounds that the site is Green Belt, however as detailed above the site is no longer Green Belt and is allocated for residential use.

Design, scale and appearance

Core Strategy Policy CS28 'Sustainable Design' states: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Design should take all opportunities to improve the character and quality of an area and the way it functions' which seeks to ensure that all development make a positive contribution to the environment by achieving an appropriate standard of design."

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".

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

The National Planning Policy Guidance (March 2014), notes that: "Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations."

The NPPF at paragraph 124 states: "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 130 adds: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."

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 proposed layout has been amended to take into account comments made by the Council in relation to the layout and appearance of the dwellings and the site's surroundings.

In relation to the amended plan, 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 and affordable bungalow properties provide 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.

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.”

For 100 dwellings the development would require 5,500 sqm of open space provision on site. The development actually provides 5,550sqm of Greenspace on site. In addition to the open space areas the amended scheme also includes the provision of a LEAP in the northern corner of the site. The LEAP is a ‘Local Equipped Area for Play’ specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live. As such, all dwellings on site would be within 400m of an equipped play area.

Objections have been received to the original application due to the lack of play areas on the application site, and the existing housing estate. As stated above, the amended plan provides for adequate open space for the site, and now includes the provision of a Local Equipped Area of Play (LEAP).

Objections have also been received regarding the timing of the provision of the play area and its maintenance as well as the maintenance of the green open space. The provision of the LEAP will be subject to a condition to provided details of the facility and timings for its provision, and the LEAP and all public open space areas will be managed and maintained by a management company as part of the S106 Legal Agreement.

Policy SP39 ‘Design and Location of Green Space, Sport and Recreation’ of the Sites and Policies Document outlines the principles to be followed when new play spaces are designed, and it is considered that the proposed area within the scheme is acceptable.

Taking the above into consideration, it is considered that the scheme provides an appropriate amount of open space as well as play equipment on the application site. It is therefore considered to be acceptable and it also accords with Core Strategy Policy CS22 and Sites and Policies Document Policies SP37 and SP39.

Highways issues

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

Sites and Policies Document Policy SP26 'Sustainable Transport for development' states that development can be supported where it can be demonstrated that:

- a. as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;
- b. local traffic circulation, existing parking and servicing arrangements are not adversely affected;
- c. the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;
- d. schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access.

The NPPF notes at paragraph 109 that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The NPPF further notes at paragraph 111 that: All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed."

The site development guidelines for H90 as set out in the sites and Policies Document states that A Transport Assessment will be required. Any development should ensure that vehicular access to Safeguarded Land site SL15 to the north is not precluded. Direct vehicular access to the A57 will not be permitted.

The proposed layout includes provisions for access to the safeguarded land beyond, and no access points are shown onto the A57. Objections have been received on the basis of increased traffic on surrounding roads, and the adverse impact this would cause. It is noted that the proposal would attract additional traffic however, the proposed site is considered suitable for the number of traffic movements off the new single access, the visibility is acceptable and the provision of onsite parking spaces accords with the Council's minimum requirements. The Transportation Unit have no objections to the proposal on highway safety grounds and have confirmed that the development is acceptable in this regard.

Objections have also been received due to the lack of public transport available and the isolated location of the site in this respect. However the site is considered to be in a relatively sustainable location close to local bus stops located within 380m within the Grange Farm Estate and approximately 400m to stops on Mansfield Road

Objections have been received relating to the use of the existing estate roads by heavy construction traffic and plant. However the agent has confirmed that the main access will be taken from Mansfield Road and will not pass through the estate, however such activities can be controlled by attaching a condition to any permission requiring the submission of a Construction Management Plan.

It is considered that the development is sited in a sustainable location and would satisfy the provisions of Policy Core Strategy Policy CS14, Sites and Policy Document SP26 and paragraphs 109 and 111 of the NPPF.

Flood Risk and Drainage

Core Strategy Policy CS24 'Conserving and Enhancing the Water Environment' states that:

"Proposals will be supported which:

- a. do not result in the deterioration of water courses and which conserve and enhance:
 - i. the natural geomorphology of watercourses,
 - ii. water quality; and
 - iii. the ecological value of the water environment, including watercourse corridors;
- b. contribute towards achieving 'good status' under the Water Framework Directive in the borough's surface and groundwater bodies
- c. manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;
- d. improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,
- e. dispose of surface water appropriately according to the following networks in order of preference:
 - i. to an infiltration based system wherever possible (such as soakaways)
 - ii. discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)
 - iii. discharge to a public sewer."

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.

Sites and Policies Document Policy SP47" Understanding and Managing Flood Risk and Drainage" states:

“The Council will expect proposals to:

- a. demonstrate an understanding of the flood route of surface water flows through the proposed development in an extreme event where the design flows for the drainage systems may be exceeded, and incorporate appropriate mitigation measures;
- b. control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The Council will expect applicants to consider the use of natural flood storage / prevention solutions (such as tree planting) in appropriate locations, and the use of other flood mitigation measures such as raised finished floor levels and compensatory storage; and
- c. consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties.”

Paragraph 163 of the NPPF notes that: “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.”

The applicant’s Planning Statement confirms that the majority of the site is within Flood Zone 1 on the Environment Agencies Flood Maps, however part of the site is identified as having parts that are at risk of surface water flooding. These areas are to be left free of development, whilst the new development offers opportunities to reduce surface water flooding through the incorporation of sustainable urban drainage systems and attenuation storage. There is a watercourse running to the east of the site, which will be incorporated into the open green space along the boundary.

Objections have been received on the basis that the development will increase surface water flooding at the site. However, during the course of the application the applicant has worked with the Council to achieve appropriate sustainable on site drainage, and the Councils Drainage Engineer has no objections to the development in principle. The full details of the proposed drainage have not been finalised and conditions are recommended to ensure the submission of the final drainage details.

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.

Sites and Policies Document Policy SP33 ‘Conserving and Enhancing the Natural Environment’ states that development should conserve and enhance existing and create new features of biodiversity and geodiversity value.

The NPPF further advises at paragraph 175 that “opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

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 that a condition should be attached to any permission to include the provision of bat and bird boxes in the development, as well the inclusion of informatives in relation to amphibians and reptiles, nesting birds and invasive species.

Objections have been received regarding the detrimental impact on the wildlife at the site, some of which are protected. As stated above, the Councils Ecologist has recommended mitigation measures to be implemented in relation to any impacts on wildlife, and no protected species have been identified on the site.

With this in mind it is considered that the proposals accord with the relevant biodiversity policies and guidance of the NPPF and Policy CS2 and SP33 subject to the imposition of a condition as detailed above.

Landscape and Tree matters:

Core Strategy Policy CS19 “Green Infrastructure” states that Rotherham’s network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas.

Additionally, Core Strategy Policy CS21 ‘Landscapes,’ states that 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.

Sites and Policies Document Policy SP32 Green Infrastructure and Landscape goes onto state that the Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development and to meeting needs of future occupants and users.

Site analysis and photomontages have been submitted with the application which enable an appreciation of of the likely landscape and visual effects. It is considered that the existing site perimeter is well vegetated and provides good visual screening in the short term from the main A57 road. Existing perimeter vegetation is proposed to be retained and there is scope for this to be enhanced further.

The only trees that are proposed to be removed are those which are considered to be seriously defective and so cannot be retained for longer than 10 years. It is considered that the layout is such that nuisance to future residents from trees is unlikely to be a significant concern.

Therefore in conclusion it is considered that a strong landscape framework can be provided for this site, subject to a condition to ensure the submission of a detailed landscaping scheme, and an arboricultural method statement.

In view of the above it is considered that the proposals accords with policies CS19, CS21 and SP 32.

General Amenity Issues– Contaminated Land, Noise and Air Quality

Core Strategy Policy CS27 ‘Community Health and Safety’ states” that development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.

It adds that development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality.

Sites and Policies policy SP52 ‘Pollution Control’ states that “development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity. When determining planning applications, particular consideration will be given to:

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.
- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.
- c. the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality Management Areas and meeting the aims and objectives of the Air Quality Action Plan.
- d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.
- e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals.”

Sites and Policies policy SP54’ Contaminated and Unstable Land’ states that “where land is known to be or suspected of being contaminated, or development may result in the release of contaminants from adjoining land, or there are adverse ground conditions caused by unstable land, development proposals should:

- a. demonstrate there is no significant harm, or risk of significant harm, to human health or the environment or of pollution of any watercourse or ground water;
- b. ensure necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;
- c. demonstrate that adverse ground conditions have been properly identified and safely treated;

d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use.”

In respect to the above, supporting information was submitted with the application in relation to land contamination issues. The Council’s Environmental Health section have assessed the information and note that whilst the majority of the site comprises of Greenfield Land, in the south western corner of the site there is an area of land previously developed and associated with farm vehicle repairs and a scrap yard. For this reason it is recommended that conditions are attached to any permission to require the submission of a remediation method statement to ensure that risk from any contaminated land is minimised.

In general amenity terms a Noise Impact Assessment was submitted in support of the planning application due to the proximity of the site to the main A57. This concluded that further noise mitigation measures are required for certain properties on the site closest to the road, this includes the provision of an acoustic fence along a section of the southern boundary, as well as the inclusion of Acoustic Vents and enhanced double glazing to upper floors. Whilst the submitted reports identified the specifics of these requirements the layout has since been amended therefore a condition should be attached to any permission requiring the submission of mitigation measures to be included in the scheme.

They also note that there is potential for disamenity to occur for existing residents from noise during the construction phase and the working hours of the construction work and machinery used on site and dust and mud from the excavation of the land, construction work and traffic flow of lorries entering and exiting the site. For this reason it is considered appropriate that a condition is attached to any planning permission to require the submission of a Construction Management Plan to control such issues.

In relation to Air Quality issues, the application was supported by an Air Quality Assessment which concludes that there are any impacts of the development can be reduced by proposed mitigation measures. The Council’s Air Quality Officer states that Rotherham’s Delivering Air Quality Practice Guidance, a key theme of the NPPF is that developments should enable future occupiers to make “green” vehicle choices and “be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.” The proposal is therefore considered to be acceptable subject to the provision of electric vehicle charging points in the development.

Objections have been received on the basis of noise, vibrations, pollution and general disturbance through the construction period. Again, as mentioned above a condition could be attached to a permission to require the submission of a Construction Management Plan to ensure that such matters are controlled at an appropriate level.

With the above in mind it is considered that the proposal accords with Core Strategy Policy CS27 and Sites and Policies policy SP 52 and SP54, and details contained within the NPPF.

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.'

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

The SYRDG further goes on to note that in respect of ensuring adequate levels of daylighting, back-to-back distances should, as appropriate to specific circumstances, be limited by the 25 degree rule. Furthermore so as to avoid an overbearing relationship, the SYRDG additionally requires back to side distances and the extent of rear extensions to be limited by the 45 degree rule.

Further to the above the NPPF at paragraph 127 states that planning decisions should ensure that developments "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

In terms of the impact of the proposals on the existing properties, residents of Parklands View and Pigeon Bridge Road will be mostly impacted as their rear gardens back onto the application site. The existing boundary of the site along the rear gardens of these properties is made up of a 1.8m high wooden fence. Objections have been received from existing residents who are concerned about the loss of privacy, overlooking, and the location of the proposed houses close to the boundaries with their properties.

Whilst it is acknowledged that the proposal would lead to the provision of houses in an area where there is currently no development, the dwellings proposed to be located along this boundary all achieve the minimum separation distances from the existing dwellings, and so would not create any significant overlooking issues, nor are they considered to be overdominant or overbearing. The original scheme had some large properties in close proximity to the boundary of the existing houses, and these have been removed and the layout amended to provide a layout which is more appropriate to reduce the impact on the existing neighbours. As the site levels differ along this boundary, section plans have been submitted so that the relationship of the properties with the existing houses can be fully assessed taking into account the difference in land levels.

Objections have been received about 100 houses being proposed on this site being too many, however it should be noted that the Sites and Policies Document estimated that the site could accommodate 117 dwellings.

It is also noted that the proposed LEAP is to be located 27.5m away from the side elevation of the closest existing residential property, which is considered acceptable in relation to the LEAP standards.

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 for 3 bedroom properties, even though some units are only 2 bedrooled.

The internal spacing between proposed housing also meets the standards set out in the SYRDG. Issues regarding contaminated land, noise and air quality have been considered as noted above and where appropriate mitigation measures are to be incorporated into the scheme. The LEAP is located just over 18m away from the front elevation of the nearest proposed dwelling which is slightly less than the 20m in the standard, however due to the angle of the front elevation it is considered acceptable in this instance. As such it is considered that the scheme will provide a good standard of amenity for future residents.

Objections have been received on the basis that future residents would suffer from noise from the A57. A Noise Impact Assessment has been submitted and proposed mitigating measures are to be incorporated into the design to ensure that an acceptable level of amenity is achieved for future residents

Having regard to the above it is considered that the proposed layout is in accordance with the guidance outlined in the SYRDG, and that it would not have a significant adverse impact on the amenity of the existing residents as the proposal would not cause any significant loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces. The proposal is therefore considered acceptable and in accord with the guidance contained within the SYRDG.

Affordable Housing provision

Core Strategy Policy CS7 'Housing Mix and Affordability' states that sites with 15 dwellings or more shall provide 25% affordable housing.

This application will trigger the Affordable Housing Policy of 25% of all homes being brought forward as affordable housing units. However, the Council wishes to encourage developers to build bungalows as affordable housing units. These bungalows are suitable for older people and those with a disability and more housing for both these groups are a priority in the Council's Housing Strategy. Following negotiations with the developers they have agreed to build 11 x two bedroom bungalows as affordable housing units for rent, which equates to 11% provision on site. The Council will purchase the bungalows and add them to Council housing stock.

The area of the site which is utilised to build 11 bungalows is equivalent to 25 two bedroom houses in terraced mews formation, which would be the alternative affordable housing offer (equivalent to 25% of total dwellings). This is because the bungalows have a significantly larger "footprint". Therefore the offer of fewer bungalows is the equivalent of mews houses, despite falling below the policy level. In this instance, the benefits of specialist housing (bungalows) can justify a reduction in the level of Affordable Housing to below policy level, and comply with Core Strategy Policy CS7.

Other comments raised by objectors

Objections have been received in relation to local schools being oversubscribed. The application is CIL liable, and the detailed Regulation 123 List contains Aston Secondary School as a project that will be supported using CIL proceeds in the future. Whilst many

objections relate to the over subscription of local primary schools, the Director of Education has raised no objections in this respect.

Objections have been received in relation to the medical surgery being oversubscribed, however the NHS were consulted and advised that there are 2 big practices within the postcode area so the impact would be on these practices and they should be able to take these additional patients.

Objections have been received on the basis that the site is close to the proposed HS2 line, and Gulliver's. This planning permission is assessed on its own merits, taking into account such proposed and granted developments in the area. The HS2 and Gulliver's proposal are not considered to have any detrimental impact on this planning application.

An objection was received stating that only adjoining neighbours were consulted, and the wider community should have been consulted. However it should be noted that site notices were erected and the proposal was advertised in the press.

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 56 of the NPPF.

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

- Provision of 11no. bungalows for older person accommodation on site as the affordable housing contribution.
- 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 Local Equipped Area of Play– LEAP).

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 56 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 27 June 2018 and allocates the site for 'Residential' purposes. It forms part of Housing Site H90 (total area 3.94 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, as well as other general amenity issues identified above.

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 8, 10, 13, 16, 18, 20 & 23 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 8, 10, 13, 16, 18, 20 & 23 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) except as shall be otherwise agreed in writing by the Local Planning Authority.

Site Layout - AST-SL-01 rev F

Site layout showing corner plots AST-SL-02

- Site section sheet 1
- Site section sheet 2
- Site section sheet 3

2 bed bungalow Drawing No. 2BB/Ast/P/01

Abney floor plans Drawing No. Ast/AB-01

Abney elevations Drawing No. Ast/AB-02
Hathersage ground floor plan Drawing No. AST-HA-01
Hathersage first floor plan Drawing No. AST-HA-02
Hathersage elevations Drawing No. AST-HA-03
Tideswell elevations Drawing No. AST/TI-01
Tideswell floor plans Drawing No. AST/TI-02
Wardlow elevations Drawing No. AST/WA-01
Wardlow floor plans Drawing No. AST/WA-02
Curbar elevations Drawing No. AST/CU-01
Curbar floor plans Drawing No. AST/CU-02
Hopton elevations Drawing No. AST/HO-01
Hopton floor plans Drawing No. AST/HO-02
Hopton detached ground floor plan Drawing No. Hd-01
Hopton detached first floor plan Drawing No. Hd-02
Hopton detached elevations Drawing No. Hd-03
Denby planning Drawing No. DE-PL-01
Dual Aspect floor plans Drawing No. Da/Ast/PI/01
Dual Aspect elevations Drawing No. Da/Ast/PI/02
Wide Fronted ground floor plan Drawing No. Wf/Ast-01
Wide Fronted first floor plan Drawing No. Wf/Ast-02
Wide Fronted elevations Drawing No. Wf/Ast-03
4 Bed ground floor plan Drawing No. 4B/Ast-01
4 Bed first floor plan Drawing No. 4B/Ast-02
4 Bed elevations floor plan Drawing No. 4B/Ast-03
Whestone Drawing No. Wh-PL-01
Wessington Drawing No. WePL-01
Wessington plus Drawing No. WP-PL-01
Hardwick floor plans Drawing No. Ha/Ast-01
Hardwick elevations Drawing No. Ha/Ast-01
1.8m high pier & panel wall detail

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

Transportation/Sustainability

04

Prior to the commencement of any above ground development details of the proposed works to the existing adopted service road which will form the main access to the site and includes the narrowing of the carriageway, provision of a 2m wide footway, street

lighting, drainage and pedestrian tactile dropped crossing facilities (Parklands View) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall implemented prior to the first occupation of a dwelling.

Reason

In the interest of highway safety.

05

Prior to the commencement of any above ground development details of a footpath link from a point opposite Plot 54 to the turning head on Pigeon Bridge Way and a timetable for its provision shall be submitted to and approved in writing by the Local Planning authority. The approved footpath link shall be provided in accordance with the agreed timetable and shall be made available at all times thereafter.

Reason

To ensure that pedestrian access is available to promote sustainability in accordance with the NPPF and Development Plan.

06

Before the development is brought into use, that part of the site to be used by vehicles shall be properly 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.

07

Prior to the commencement of any above ground development 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.

08

Prior to the commencement of any 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;
- measures to deal with dust;

- measures to deal with mud in the highway;
- details of any storage on site, and the location and details of the compound;
- details of loading/unloading of materials/plant;
- details of car parking facilities for the construction staff;
- details of proposed hours of construction on/deliveries to the site;
- details of the quality of soil and its movement and temporary storage during construction ;
- details of any lighting;
- 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.

09

Before any above ground development commences details of vehicle electric charging points and the timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable.

Reason

To promote sustainability in accordance with the NPPF and the Development Plan.

Contaminated Land

10

Prior to the commencement of development a Remediation Method Statement shall be submitted to and approved in writing by the Local Authority. The works shall render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

The approved details in the Remediation Method Statement shall be implemented on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

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

11

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority. Works thereafter shall be carried out in accordance with the approved details.

Reason

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

12

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

Reason

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

13

Prior to the commencement of the development details of the decommissioning and removal method of the above ground tank, with any impacted ground beneath and a timetable for its removal shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site.

Reason

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

14

Once the works in condition 14 have been carried out a verification report with sampling and testing by a geo-environmental engineer shall be submitted to and 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.

15

After the removal of any cement bonded asbestos on site, details of soil testing shall be submitted and approved by the Local Planning Authority. That part of the site shall not be brought into use until such time as the details have 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

Noise

16

Prior to the commencement of development details of noise mitigation measures to be included within the development shall be submitted and approved by the Local Planning Authority. The detail shall include –

- locations and specifications of enhanced double and standard double glazing
- locations and specifications of double plaster board to top of ceilings
- locations and specifications of acoustic trickle vents
- locations and specification of acoustic barrier boundary fencing

The approved details shall be implemented on site before each plot requiring mitigation measures is occupied.

Reason

In the interest of residential amenity of the future occupiers of the dwellings.

Ecology

17

Prior to the commencement of any over ground development 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. The plan shall include, but not limited to-

- bat bricks to be provided within at least 10 of the dwellings, in a built-in style;
- bird boxes to be provided within at least 10 of the dwellings, in a built-in style suitable for a variety of species, including house sparrows, starlings, swallows, swifts and house martins.
- habitat piles suitable for amphibians and reptiles created in the green spaces on site.

The approved details shall be implemented in accordance with the approved timings.

Reason

In the interest of local ecology in accordance with the NPPF and the development Plan.

Archaeology

18

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 and Trees

19

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

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

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

Reason

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

20

Prior to the commencement of any development a detailed Arboricultural Method Statement in accordance with BS 5837 Trees in Relation to Design, Demolition and

Construction, shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details. The submitted details shall include a detailed Tree Protection Plan.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance the Development Plan

Play Area

21

Prior to the commencement of any over ground development details of the proposed LEAP and a timetable for its installation shall be submitted to and approved in writing by the Local Planning Authority. The detail shall include the following –

- a minimum of 6 items of play equipment
- boundary treatment
- seating
- litter bins
- signage

The approved details shall be provided on site in accordance with the approved timetable and retained on site thereafter.

Reason

In the interests of the amenity of the residents in accordance with the NPPF and the Development Plan.

Levels

22

Prior to the commencement of any over ground development details of the finished floor levels of the approved properties shall be submitted and approved in writing. The development shall be implemented in accordance with the approved levels.

Reason

In the interests of the amenity of the existing residents adjoining the site in accordance with the NPPF and the Development Plan.

Drainage

23

No development shall take place until details of 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 Development Plan and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

24

A flood route drawing showing how exceptional flows generated within or from outside the site will be managed including overland flow routes, internal and external levels and design of buildings to prevent entry of water, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained in accordance with the Development Plan

25

Prior to its construction, details of the pumping station building and its boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site.

Reason

In the interest of visual amenity in accordance with the NPPF and the Development Plan.

Soil storage

26

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

02

Wildlife Legislation

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

Furthermore, vegetation removal should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

03

Fire Appliance

The applicant is advised that access for fire appliances should be in accordance with Building Regulations Approved Document B volume 1 part B5 section 11.

04

Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/coalauthority

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.

To the Chairman and Members of the
PLANNING REGULATORY BOARD

Date 02 August 2018

Report of the Director of Planning and Regeneration Service

ITEM NO. **SUBJECT**

1
Page 63

Ref: RB2018/0810

Proposed Local Development Order – Land at Gullivers Theme
Park, Mansfield Road, Wales

Adopt Local Development Order subject to recommended
amendments

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
02 AUGUST 2018

Reference Number	RB2018/0810
Proposal and Location	Proposed Local Development Order – Land at Gullivers Theme Park, Mansfield Road, Wales
Recommendation	Adopt Local Development Order subject to recommended amendments

Background:

Paragraph 51 of the NPPF (July 2018) states: “Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.” This is taken together with the National Planning Practice Guidance which echoes the above.

In summary, Local Development Orders (LDOs) are made by local planning authorities and give a grant of planning permission to specific types of development within a defined area. They streamline the planning process by removing the need for developers to make a planning application to a local planning authority for certain limited types of development defined in the LDO. They create certainty and save time and money for those involved in the planning process and help economic, social and environmental benefits to an area which derive from planning permissions to be delivered more quickly.

The Growth and Infrastructure Act 2013 modified the Planning Acts to simplify the Local Development Order process by removing the requirement for the local planning authority to submit the order to the Secretary of State before adoption for consideration of whether to intervene. This was instead replaced by a requirement to notify the Secretary of State as soon as practicable *after* adoption.

It is recommended that an LDO, which has undergone considerable iterative improvement and full public consultation, is adopted for the Gullivers Valley Rotherham resort.

The Gulliver’s Valley Rotherham LDO Site:

Core Strategy Policy CS11 ‘Tourism and the Visitor Economy’ states that: “The Council will support proposals for a comprehensive, regional scale leisure and tourist attraction north of Rother Valley Country Park compatible with its location within the Green Belt.” The development of the Gulliver’s Theme Park on the site has been granted under planning permissions RB2016/1454 and RB2016/1455.

The overall site covers an area of approximately 100 hectares and permission has been granted for up to 20,000 sq.m floor area of new development. The purpose of this LDO is to allow minor changes during the construction phase, as well as minor on-going developments on the site once the development has been built out, that would normally require planning permission (or supplement provisions relating to developments might otherwise be permitted development in the General Permitted Development Order, but the provisions of which are subject to change by Government from time-to-time).

It is considered that the developments that would be permitted, subject to conditions as set out in the LDO, would not adversely impact on the wider environment or community, but would allow flexibility and reduce both delay and cost during the programme of works to build out the approved theme park/leisure complex. In other words, based on current policies the expectation is that should a planning application be forthcoming for such developments, permission would be granted for them.

It was therefore proposed to produce and consult on an LDO which would allow:-

- The erection of fences (up to 3m in height)
- Erection of lighting
- Construction of internal roadways and paths
- Buildings (total floorspace restricted and height restricted)
- Huts and kiosks
- Plant and machinery – to include rides (height restricted)

A copy of the draft LDO is attached at Appendix 1.

The LDO would also vary dependant on the stage of construction on the site, allowing for different developments during the construction phase as to that once the leisure complex has been brought into use.

The developments permitted under the LDO comply with national policy in the NPPF and the Council's adopted policies in relation to the site and the Green Belt. It is considered that the allowances are proportionate and reasonable in the given context and are therefore acceptable as a matter of principle.

A 'Draft Order' and a 'Statement of Reasons for making the Order' have been produced. The proposed LDO covers the application site areas approved under the above permissions and sets out different LDO development limits in different parts of the overall site, specifically excluding any development on the most sensitive parts. It would apply to the site for as long as it is used for the approved uses and can be revised and/or revoked at any time by the Local Planning Authority.

Environmental Statement

An Environmental Statement was submitted with both the original planning applications. Addenda to the original Environmental Statement were

commissioned and provided to assess the potential environmental impacts of developments that would be permitted under the proposed LDO. It has been determined that no significant environmental effects (and none above and beyond or cumulatively taken with those identified in the original Environmental Statement) are expected. The proposed LDO contains relevant conditions and limitations to ensure that any proposed development authorised by the LDO would not have any unusually complex or potentially hazardous environmental effects sufficient to trigger the need for any additional Environmental Assessment. There are other regulatory controls in relation to former mine workings and protected species in any case.

The proposed LDO has been considered against the relevant tests set out under the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 and the Local Planning Authority has formally adopted a screening opinion that no further Environmental Information over and above that which has already been provided is required.

Publicity

Following a 28 day publicity period in the press, by letter and the erection of site notices around the site no public representations have been received.

Consultation

Statutory and non-statutory consultation also took place and the following comments were received:

RMBC (Drainage) - No objection in principle to the proposed order, but it is noted that it would permit buildings to be extended. This could create additional runoff which would be a problem if it had not been allowed for in the construction of the main development phase. There are currently discharge of conditions applications unresolved which relate to drainage design. If these are discharged satisfactorily, including a 10% allowance for future increase in impermeable area, there would be no objection to the order.

RMBC (Public Rights of Way) - They are in direct contact with the developers and are working with them to improve and encourage use of the routes – no concerns raised.

RMBC (Landscape Design) - Raise no objections, they are of the opinion that the nature of the development permitted by the LDO will result in no greater adverse landscape or visual impacts than the original permission already granted.

RMBC (Ecologist) - No objections.

RMBC (Transportation and Highway Design) - No objection as it is considered that the development allowed by the LDO would not have a material impact on the local highway network (i.e. it would not result in a cumulative severe residual impact).

Highways England – The safeguarding of Highways England position secured through conditions on the original planning application would not be bypassed by the LDO. It appears that the trip making potential for the development relates to the overall attraction (the theme park) rather than the specific building components within the attraction. The analysis that was ultimately accepted following the significant dialogue during the planning application process for the development followed this path in that the trip making potential was founded on the whole development through reference back to similar such theme parks. It appears that any potential increases in the level of built development (as restricted by the LDO) would not cause the overall trip making potential, specifically at the Strategic Road Network, to materially change from that predicted at planning application stage.

Environment Agency – No objections/comments

Historic England - Were content with the planning applications and the potential impact on the historic environment and do not have any additional comments to make in respect of the draft Local Development Order.

Network Rail - With reference to the protection of the railway, Network Rail would have an issue with any lighting placed in close proximity to the operational railway boundary. This has potential to cause train driver distraction and also confusion in relation to existing signals along the railway line and can therefore impact on operational railway safety. They would have concerns in relation to any lighting positioned within 5 metres of the railway boundary and it appears from the draft document that this may be permitted. Have requested that LDO is amended to prevent such lighting next to the operational railway in order to mitigate against this situation arising. This request has been agreed and the LDO amended accordingly.

The Coal Authority – Notes that the development is proposed to be phased over of 15 year period and that their outstanding concerns relating to the proposed repositioning of buildings are to be addressed as part of proposed subsequent Section 73 (variation of condition) planning applications. Provided that any future 'Permitted Development' is carried out with the same regard to foundation designs and the associated earthwork considerations as recommended by the relevant Phase 2 reports for the proposals (as per the supporting documentation to applications RB2016/1454 & RB2016/1455) then would have no objections or further comments to make.

SYMAS – Provided that future development is carried out with the same regard to foundation designs and the associated earthworks as recommended in the information submitted with the original planning applications there are no objections.

SY Fire and Rescue – Raise no new comments

Response/resolution of consultee comments

When taking into account the comments made by the consultees, whilst the majority of them raised no objections a few issues were raised which are addressed below –

Network Rail – their comments and request in relation to lighting close to operational railway is considered valid, and so the LDO has been amended to remove the permitted development for the provision of lighting within 5 metres of an operational railway for safety reasons (as set out in Schedule 1, Class B of the LDO).

The Coal Authority - their comments are related to two shafts that have been identified on the site through the process of the submission of discharge of condition applications. Due to the presence of the shafts Gulliver's will have to submit Section 73 planning applications to apply to re-site two of the buildings to move them further away from the shafts identified. Subject to that process they have no objections to the LDO, which would not have any implications in relation to the shafts.

SYMAS and the Coal Authority have raised the issue regarding the foundation design and earthworks for any permitted development which may be allowed by the LDO. In this respect it should be noted that any works permitted by the LDO would also be subject to the conditions on the original planning permissions which would control these matters, and subject to this they raise no objections to the LDO.

Conclusions

The Council and the government are supportive of development which improves social, environmental and economic conditions. The statutory development plan, in particular Core Strategy Policy CS11 'Tourism and the Visitor Economy' supports further enhancement of tourism facilities.

The proposed LDO would allow the developer to carry out small scale additions, alterations and works within this very large site without the need to apply for planning permission each time and for relatively minor developments. The conditions and limitations restrict development allowed by the LDO such that the intent and substance of the conditions on the planning permissions remains unaffected. The LDO is clearly defined and there are provisions within the LDO which allow the Council to monitor when developments are undertaken under the terms of the LDO.

After taking all the comments into consideration, and amending the draft accordingly in relation to lighting to mitigate against impacts on operational railway safety, it is considered that the LDO is acceptable and in accordance with policies within the Development Plan and the provisions of the NPPF.

It is therefore recommended that the LDO is adopted as amended, and the Secretary of State is notified of its adoption as soon as practicable thereafter.

GULLIVERS VALLEY (ROTHERHAM) LOCAL DEVELOPMENT ORDER 2017

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1. CITATION, COMMENCEMENT AND APPLICATION

- (1) This Order shall be cited as the Gullivers Valley (Rotherham) Local Development Order 2017 and comes into force on [insert date]. Unless specified otherwise, references to “this order” and “the order” shall be construed accordingly.
- (2) This Order shall apply to land within the extent of each area shown on the attached site plan, hereafter this land shall be referred as “the site”. The site comprises several areas, labelled Areas A - D. The extent of each Area is shown on the attached site plan.
- (3) This Order shall have continuing effect until such time as the use of the site for the purposes assembly, leisure, accommodation, entertainment and/or amusement of the public in accordance with planning permission reference numbers RB2016/1454 and RB2016/1455 (or any subsequent amendment or grant of permission for related purposes) permanently ceases.
- (4) Nothing in this Order shall prejudice the application of deemed permissions set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent amendment, revision or re-enactment of the Town and Country Planning (General Permitted Development) Orders or The Town and Country Planning (Use Classes Order) 1987 (as amended).

2. INTERPRETATION

For the purposes of this Order, the following terms and definitions shall apply. The definitions given refer to the enactments in force at the time of making and shall not be varied by any subsequent revocation, enactment or re-enactment or alterations to the provisions of any order, scheme, regulations or other instrument made under or confirmed by a public general, local or private Act of Parliament:

“the 1960 Act” means the Caravan Sites and Control of Development Act 1960(c);

“the 1990 Act” means the Town and Country Planning Act 1990;

“Amusement park” means an enclosed area of open land, which is principally used as a funfair or otherwise for the purposes of providing public entertainment by means of mechanical amusements and side-shows;

“Building” is given the same meaning as that in Section 336 of the Town and Country Planning Act 1990 (as amended).

“caravan” has the same meaning as for the purposes of Part 1 of the 1960 Act (caravan sites)(b);

“caravan site” means land on which a caravan is stationed for the purpose of human habitation and land which is used in conjunction with land on which a caravan is so stationed;

“Construction Phase” means the period in which between 10% and 50% of the gross external floor area (GEFA) approved by planning permission reference no.s RB2016/1454 and RB2016/1455 respectively have been built. The construction phase ends when the 50% of the approved Gross External Floor Area has been constructed.

“Development” is given the same meaning as that described in Section 55 of the Town and Country Planning Act 1990 (as amended).

“erection”, in relation to buildings, includes extension, alteration, or re-erection;

“enlargement” in relation to buildings does not include alterations to roof tiles, guttering, fascias, barge boards and other minor roof details which result the roof overhanging the external wall of the building.

“existing”, in relation to any building or any plant or machinery or any use, means existing before the carrying out, in relation to that building, plant, machinery or use, of development described in this Order;

“ground level” means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.”

“huts, booths or stalls” includes buildings or structures similar to huts, kiosks, booths or stalls;

“licensed motorised vehicle” means a mechanically propelled vehicle requiring an entitlement to drive administered by the Driver and Vehicle Licencing Agency (UK) falling within Categories AM through to Category D (inclusive).

“machinery” includes any structure or erection in the nature of machinery;

“plant” includes any structure or erection in the nature of plant;

“Post-construction phase” means the period after which the development hereby approved has first been taken into use and 50% of the gross external floor area (GEFA) approved by planning permission reference no.s RB2016/1454 and RB2016/1455 respectively has been constructed.

“private way” means a right of way not maintainable at the public expense;

“Public highway” has the same meaning as in section 329 of the Highways Act 1980 such that it refers to any “highway maintainable at the public expense” and includes a highway which by virtue of section 36 of the Highways Act is so defined as a highway;

“operational purposes” means the purposes of carrying on the functions of Gullivers Theme Parks Ltd or any subsequent operator for the purposes of an amusement park or any other use falling within category C1 (hotels etc) and/or D2 (assembly and leisure) of The Town and Country Planning (Use Classes Order) 1987 (as amended) and/or any subsequent re-enactment of the Use Classes Order;

“the Use Classes Order” means the Town and Country Planning (Use Classes) Order 1987 (as amended) or any subsequent re-enactment of the Use Classes Order;

“The Site” means the land shown edged red as identified and attached to this Order.

3. PERMITTED DEVELOPMENT

Subject to the provisions of this Order planning permission is hereby deemed to be granted for development of land as described in the attached Schedules, subject to any relevant exception, limitation or condition specified.

- 1) The developer shall maintain a register of all development undertaken in reliance on the provisions of this Order (hereafter 'the register'). The register shall be made available for inspection by the Council within 28 days of a request in writing being received by the developer from the Council.

- 2) This Order does not apply to any development where:-
 - i) with the exception of developments referred to in Schedule 1 of this Order, the development hereby permitted would be within 5 metres of the boundary of the site;

 - ii) with the exception of developments referred to in Schedule 1 of this Order, the development hereby approved would be within 5 metres of a public highway;

 - iii) the development would be situated within any part of Area D.

 - iv) the development would be carried out contrary to any of the conditions listed on the planning decision notices attached to planning application reference no's RB2016/1454 and RB2016/1455 as attached to this Order at Annex 1 and Annex 2.

SCHEDULE 1

PERMITTED DEVELOPMENTS RIGHTS: GENERAL – APPLYING TO LAND AND BUILDINGS WITHIN AREAS A, B and C.

Class A - Fences, gates, walls and means of enclosure

Permitted Development under Schedule 1, Class A of this Order

A. The erection, maintenance, improvement or other alteration of a fence, gate, wall, stiles or other means of enclosure where carried out in compliance with conditions listed at A.1 c).

Development not permitted

A.1 Development is not permitted by Schedule 1, Class A of this Order if:-

- a) the height of the fence, gate, wall, stile or other means of enclosure to be erected, maintained, improved or altered would exceed 3 metres;
- b) any fence, gate or wall erected in Area C to be erected exceeds 2 metres in height and would be constructed of materials other than green coloured paladin style fencing.

Conditions

- c) Where appropriate, ground level 'cut outs' shall be included within fences erected in order to allow species such as Hedgehog to move freely through the site. All such cut-outs shall be a minimum of 13cm x 13cm in dimension and spaced appropriately in accordance with best practice.

Class B - Lighting

Permitted Development under Schedule 1, Class B of this Order:-

B. The provision, alteration or improvement of lighting within the site for the purposes of security, crowd control, safety, information and displays.

Development not permitted

B.1 Development is not permitted by Schedule 1, Class B of this Order if:-

- a) the height of the lighting provided, improved or altered in Areas A and B would exceed 6 metres;
- b) the height of the lighting provided, improved or altered in Area C would exceed 3 metres.

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Class C - Renewables, fuel and electricity development

Permitted Development under Schedule 1, Class C of this Order:-

C. Development consisting of –

- (a) The installation, alteration or replacement of solar photovoltaics, ground source heat pumps, heat recovery systems, biomass boilers or solar thermal equipment.***
- (b) The installation, alteration or replacement of a container used for heating purposes for the storage of oil or liquid petroleum gas.***
- (c) The installation, alteration or replacement of a septic tank or sewage package treatment plant;***

Development not permitted

C.1 Development is not permitted by Schedule 1, Class C if:-

- a) the height of the container, boiler to be installed, altered or replaced would exceed 5 metres;
- b) in the case of or solar equipment affixed to the roof of an existing building, the development would protrude more than 0.30 metres beyond the plane of the slope of an existing roof slope when measured from the perpendicular with the external surface of the original roof;
- c) any container installed, altered or replaced for the purposes of holding liquids fuels, oils or gases does not have secondary containment to hold 110% of the capacity of the container;
- d) the installations under this Order would generate more electricity than is required to serve the on-site needs of the developments approved by planning application reference no's RB2016/1454 and RB2016/1455 and/or would result in energy being generated and sold for use by any third party;
- e) the installation, alteration or replacement of any septic tank or sewage package treatment plant fails to comply with The General Binding Rules; Environment Agency Discharge Consent; Environmental Permitting Regulations and relevant British Standard or their subsequent replacement document (whichever apply and remain in force at the time of the development being commenced).
- f) the installation, alteration or replacement of any ground source heat pump requires but has not obtained, the appropriate Permit(s) under the Coal Industry Act 1994 (or any subsequent enactment or re-enactment) to grant permission to enter, intersect or disturb mines, mine workings or shafts.

Class D - Private ways

Permitted Development under Schedule 1, Class D of this Order:-

D. Development consisting of:-

- (a) works required for the laying out and construction of, or maintenance or improvement of a private way.*
- (b) the formation or construction of a walkway, bridge, boardwalk or deck.*

Development not permitted

D.1 Development is not permitted by Schedule 1, Class D. (a) if:-

- a) the private way provided under this class will be accessible to members of the public by means of licensed motorised vehicle.

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SCHEDULE 2

PERMITTED DEVELOPMENTS RIGHTS: CONSTRUCTION PHASE

Development is permitted in the manner described below by virtue of Schedule 2 of this Order during the construction phase of the approved resort development. Construction phase is given the same meaning as that set out in Chapter 2 (interpretation) of this Order.

PART 1

Development within Areas A and B of the site

Class A – buildings

Permitted Development under Schedule 2, Part 1, Class A of this Order:-

A. Development consisting of –

- (a) The erection, enlargement, improvement or other alteration of a building (including the installation, alteration or replacement of a chimney, flue or soil and vent pipe).*
- (b) The provision of any swimming or other pool for the purposes of sport and recreation.*
- (c) The erection of huts, booths, kiosks, stalls or marquees.*
- (d) The extension, alteration or replacement of any existing huts, booths or stalls.*

Development not permitted

A.1 Development is not permitted by Class A if:-

- a) as a result of the works, the total area of ground covered by buildings within the boundaries of Areas A-B, as defined on the attached plan, would exceed 110% of the gross external floor area of the development approved by planning permission reference RB2016/1455;
- b) the chimney, flue or soil and vent pipe installed, altered or replaced would exceed the highest part of the roof of the building it is affixed to by more than 1.5 metres;
- c) In the case of the erection of a building or structure in Area A, that building or structure would exceed 15 metres above ground level;
- d) In the case of the erection of a building or structure in Area B, that building or structure would exceed 25 metres above ground level;

- e) In the case of an extension, alteration or replacement of an existing building or structure situated in Area A, that building or structure would as a result exceed 15 metres above ground level or exceed the height of the roof of the existing building or structure, whichever is the greater; or
- f) In the case of an extension, alteration or replacement of an existing building or structure situated in Area B, that building or structure would as a result exceed 25 metres above ground level or exceed the height of the roof of the existing building or structure, whichever is the greater.

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Class B - Plant and machinery

Permitted Development under Schedule 2, Part 1, Class B of this Order:-

B. The provision, improvement or other alteration of plant, machinery, mechanical apparatus and appliances.

Development not permitted

B.1 Development is not permitted by Class B if:-

- a) the height of the plant, machinery, mechanical apparatus or appliances to be provided, improved or altered would be situated within Area A and would exceed 15 metres;
- b) the height of the plant, machinery, mechanical apparatus or appliances to be provided, improved or altered would be situated within Area B and would exceed 25 metres.

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PART 2

Development within Area C of the site

Class A – buildings

Permitted Development under Schedule 2, Part 2, Class A of this Order:-

A. Development consisting of –

- (a) The erection of a building or structure;*
- (b) the enlargement, improvement or other alteration of a building or structure approved by planning permission reference number RB2016/1454;*
- (c) The erection of huts; kiosks; booths; stalls; operational, service or maintenance buildings; and marquees.*

Development not permitted

A.1 Development is not permitted by Class A if:-

- a) as a result of the works, the gross external floorspace of the new buildings which are provided under this Class within the boundaries of Area C, would exceed 300sqm in total;
- b) In the case of an erection of a new building, the eaves height of that building would exceed 3.5 metres above ground level or the gross external floorspace of the building or structure erected exceeds 30 square metres in total; or
- c) In the case of extension, improvement or alteration of an existing building or structure approved under planning permission reference RB2016/1454, the eaves height of that building or structure would, as a result, exceed 3.5 metres above ground level; or
- d) In the case of an extension to an existing building or structure approved under planning permission reference RB2016/1454, the GEFA of the building or structure so extended would exceed 133% of the GEFA of the original building;
- e) In the case of the erection of a replacement building or structure originally approved under planning permission reference RB2016/1454, the GEFA area of the replacement building or structure erected would exceed 133% of the original building.

- f) The marquee(s) erected would exceed a gross external floor area of 650 square metres;
- g) It would result in a marquee erected under this class being sited on the land for more than 90 days in total during any calendar year.

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SCHEDULE 3

Permitted developments rights: Post-Construction Phase

Development is permitted in the manner by virtue of Schedule 2 of this Order described below during the post-construction phase of the resort development. 'Post construction phase' is given the same meaning as that set out in Chapter 2 (interpretation) of this Order.

PART 1

Development within Areas A and B of the site

Class A – buildings

Permitted Development under Schedule 3, Part 1, Class A of this Order:-

A. Development consisting of –

- (a) The erection, enlargement, improvement or other alteration of a building (including the installation, alteration or replacement of a chimney, flue or soil and vent pipe).*
- (b) The provision of any swimming or other pool for the purposes of sport and recreation.*
- (c) The erection of huts, booths, kiosks, stalls or marquees.*
- (d) The extension, alteration or replacement of any existing huts, booths or stalls.*

Development not permitted

A.1 Development is not permitted by Class A if:-

- a) as a result of the works, the total area of ground covered by buildings within the boundaries of Areas A and B, as defined on the attached plan, would exceed 33% of the gross external floor area of the development approved by planning permission reference number RB2016/1455;
- b) the chimney, flue or soil and vent pipe installed, altered or replaced would exceed the highest part of the roof of the building it is affixed to by more than 1.5 metres;
- c) In the case of the erection of a building or structure in Area A, that building or structure would exceed 15 metres above ground level;

- d) In the case of the erection of a building or structure in Area B, that building or structure would exceed 25 metres above ground level;
- e) In the case of an extension, alteration or replacement of an existing building or structure situated in Area A, that building or structure would as a result exceed 15 metres above ground level or exceed the height of the roof of the existing building or structure, whichever is the greater; or
- f) In the case of an extension, alteration or replacement of an existing building or structure situated in Area B, that building or structure would as a result exceed 25 metres above ground level or exceed the height of the roof of the existing building or structure, whichever is the greater; or

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Class B - Plant and machinery

Permitted Development under Schedule 3, Part 1, Class B of this Order:-

B. The provision, improvement or other alteration of plant, machinery, mechanical apparatus and appliances.

Development not permitted

B.1 Development is not permitted by Class B if:-

- a) the plant, machinery, mechanical apparatus or appliances to be provided, improved or altered would be situated within Area A and would exceed 15 metres in height; or
- b) the plant, machinery, mechanical apparatus or appliances to be provided, improved or altered would be situated within Area B and would exceed 25 metres in height.

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PART 2

Development within Area C of the site

Class A – buildings

Permitted Development under Schedule 3, Part 2, Class A of this Order:-

B. Development consisting of –

- (a) The erection of a building or structure;*
- (b) the enlargement, improvement or other alteration of a building or structure approved by planning permission reference number RB2016/1454;*
- (c) The erection of huts; kiosks; booths; stalls; operational, service or maintenance buildings; and marquees.*

Development not permitted

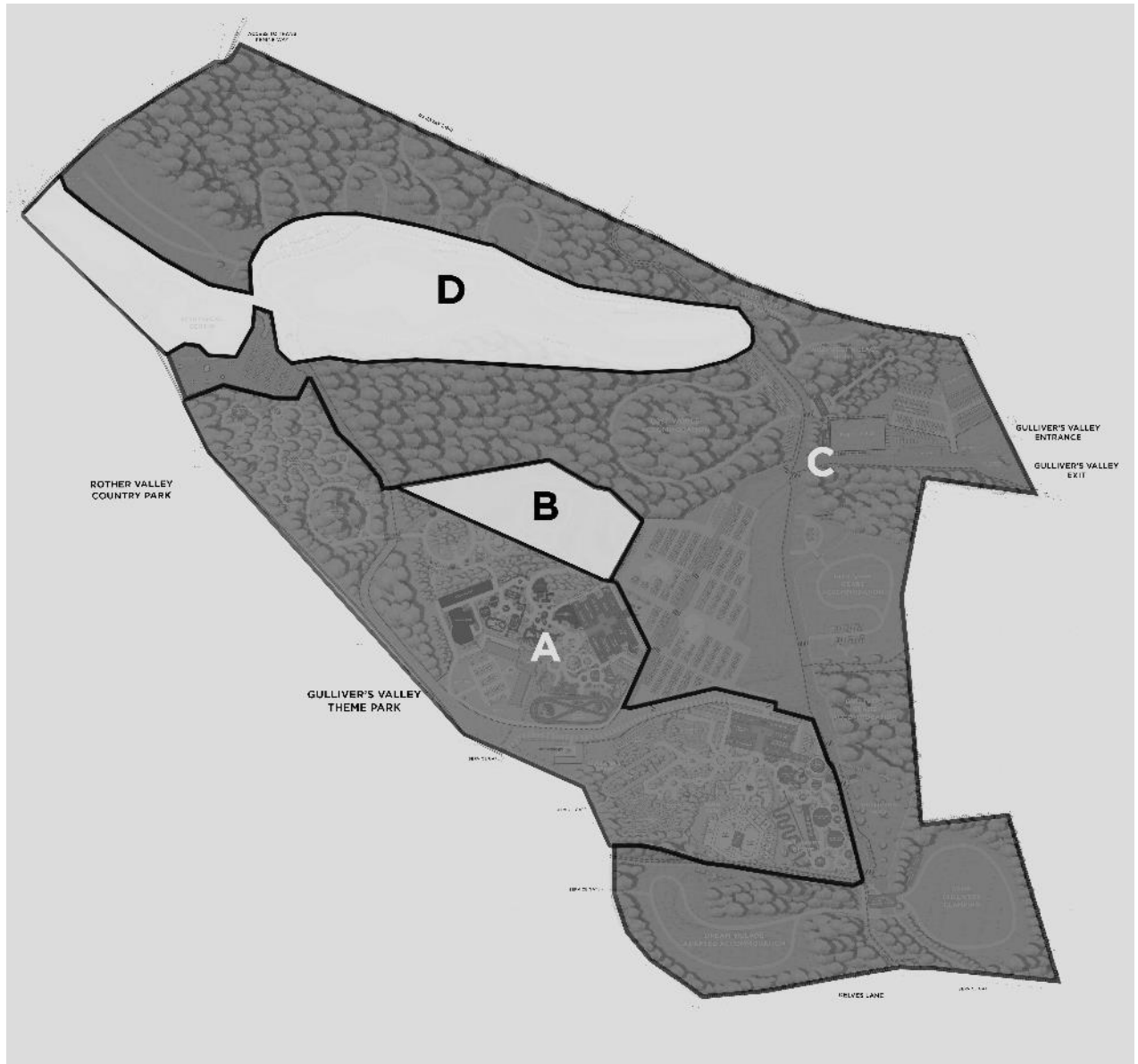
A.1 Development is not permitted by Class A if:-

- a) In the case of an erection of a building or multiple buildings, the gross external floor area of the building(s) or structure(s) which are provided under this Class and situated within Area C would exceed a total of 300sq. metres;
- b) In the case of an erection of a building, the eaves height of the building erected would exceed 3.5 metres above ground level and the gross external floor area of the building or structure erected would exceed a total of 30 square metres;
- c) In the case of extension, improvement or alteration of an existing building or structure, the eaves height of that building or structure would, as a result of the works, exceed 3.5 metres above ground level; or
- d) In the case of an extension to an existing building or structure, the gross external floor area of the building or structure so extended would exceed 133% of the in GEFA of the original building or structure;
- e) In the case of the erection of a replacement building or structure, the gross external floor area of the replacement building or structure erected would exceed 133% in GEFA of the original building or structure.

- f) The marquee(s) erected would exceed a gross external floor area of 650 sq metres;
- g) It would result in a marquee erected under this class being sited on the land for more than 90 days in total during any calendar year.

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LOCATION AND AREA PLAN:



Not to Scale