

PLANNING REGULATORY BOARD

Date:- Thursday, 31st January, 2019 **Venue:- Town Hall,
Moorgate Street,
Rotherham. S60 2TH**

Time:- 9.00 a.m.

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

AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 1)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 10th January 2019 (Pages 2 - 4)
6. Deferments/Site Visits (Pages 5 - 6)
7. Development Proposals (Pages 7 - 48)
8. Report of the Assistant Director of Planning Regeneration and Transport (Pages 49 - 59)
9. Updates
10. Date of next meeting -
Thursday, 21st February, 2018 commencing at 9.00 a.m.

Membership of the Planning Board 2018/19

Chairman – Councillor Sheppard

Vice-Chairman – Councillor Williams

Councillors Andrews, Atkin, Bird, D. Cutts, M. S. Elliott, Fenwick-Green, Sansome, Steele,
John Turner, Tweed, Walsh and Whysall.



SHARON KEMP,
Chief

Executive.

Planning Regulatory Board 'Public Right To Speak'

REGISTERING TO SPEAK

The Council has a "Right to Speak" policy, under which you may speak in the Planning Board meeting about an application. If you wish to do this, it is important that you complete a tear-off slip and return it with any written comments, within 21 days of the date of the notification letter back to the Planning Department.

Your comments will be made known to the Planning Board when it considers the application and you will be written to advising of the date and time of the Planning Board meeting to exercise your right to speak

WHEN YOU ARRIVE

If you wish to speak in the meeting, please try to arrive at the venue ten minutes before the meeting starts. The reception staff will direct you to the Council Chamber.

In the Council Chamber, please give your name to the Board Clerk (who will have a checklist of names derived from the agenda). The Clerk will direct you to the seating reserved for people who wish to speak.

The agenda is available on line at least five days prior to the meeting, and a few copies will be made available at the meeting, so you can read the reported relating to the application which concerns you and see where it comes in the agenda.

The Council Chamber is equipped with microphones and a hearing loop

The meeting is being filmed for live or subsequent broadcast via the Council's website and can be found at:-

<https://rotherham.public-i.tv/core/portal/home>

If anyone present or members of the public in the public galleries do not wish to have their image captured they should make themselves known to Democratic Services before the start of the meeting.

This may require seating in a different area of the Chamber or in an alternative viewing room (if available).

Take time to familiarise yourself with the layout of the Chamber and the procedure.

YOUR RIGHT TO SPEAK

The 'right to speak' applies equally to the applicant and to the general public.

It is not intended that professional agents representing either the applicant or objectors, should be allowed to speak, but this is at the Chairman's discretion.

You will be invited to speak by the Chairman at the correct interval.

Switch the microphone on to allow everybody in the Chamber to hear your comments.

Each speaker will be allowed three minutes to state his/her case. The applicant does not have a "right to reply" to the objector(s) comments.

Only planning related comments can be taken into consideration during the decision process.

CONDUCT OF COMMITTEE MEETINGS

Speakers should not be allowed to engage in discussion with members of the Committee during public speaking or the Committee deliberations, to avoid any risk of accusation of bias or personal interest.

All attendees are reminded of the importance to remain calm, courteous and respectful during the meeting. Please refrain from shouting out and allow people to speak. Any person causing a disruption will be asked to leave the Council Chamber.

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
10th January, 2019

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

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

There were no Declarations of Interest to report.

67. MINUTES OF THE PREVIOUS MEETING HELD ON 6TH DECEMBER, 2018 (HEREWITH)**68. DEFERMENTS/SITE VISITS**

There were no site visits or deferments recommended.

69. 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 application:-

- Erection of toilet block to side & single storey extension to front at 131 Bawtry Road Wickersley for Mr Baker (RB2018/1747)

Mr. D. Baker (Applicant)
Mrs. M. Godfrey (Objector)

(2) That, with regard to application RB2018/1451:-

(a) subject to a satisfactory legal agreement with the applicant made under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing:-

- Financial contribution of £17,204.88 towards the improvement of existing green space, in particular for the provision of children's equipped play at a site to be agreed with green spaces team.
- Financial contribution of £21,000 towards sustainable transport measures.

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report and subject to amendment to Condition No. 8 and the addition of two new conditions inserted after Condition No. 8 making fifteen conditions in total to read:-

08

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

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of surface water run-off to equivalent brownfield rates (i.e. minimum of 30% reduction in flows based on existing flows and a 1 in 1 year return period);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% 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 Local plan and the NPPF.

09

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 and will be safe from flooding in accordance with the Local plan and the NPPF.

10

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 sub-base, 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 the development can be properly drained in accordance with the Local plan and the NPPF

(3) That application RB2018/1747 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(4) That applications RB2018/1857 and RB2018/1859 be referred to the Government Office as a departure, and if they indicate that they do not wish to call in the application, that permission be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and subject to an amendment to Condition 28 for both applications to now read:-

28

The approved advanced planting details submitted in application RB2017/1791 shall be implemented for the site excluding the area around the new access which shall be planted in accordance with plan references Softworks Proposals 1 718_401 Rev C; Softworks Proposals 2 718_402 Rev C and Softworks Proposals 3 718_403 Rev C submitted on the 03-01-19 as below:-

- i. Prior to the first occupation of the part or phase of development to which the screen relates: or
- ii. In accordance with an implementation timetable agreed in writing with the Local Planning Authority.

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

70. UPDATES

There were no updates to report.

71. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 31st January, 2019 at 9.00 a.m.

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

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

SITE VISITS

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

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 31 JANUARY 2019**

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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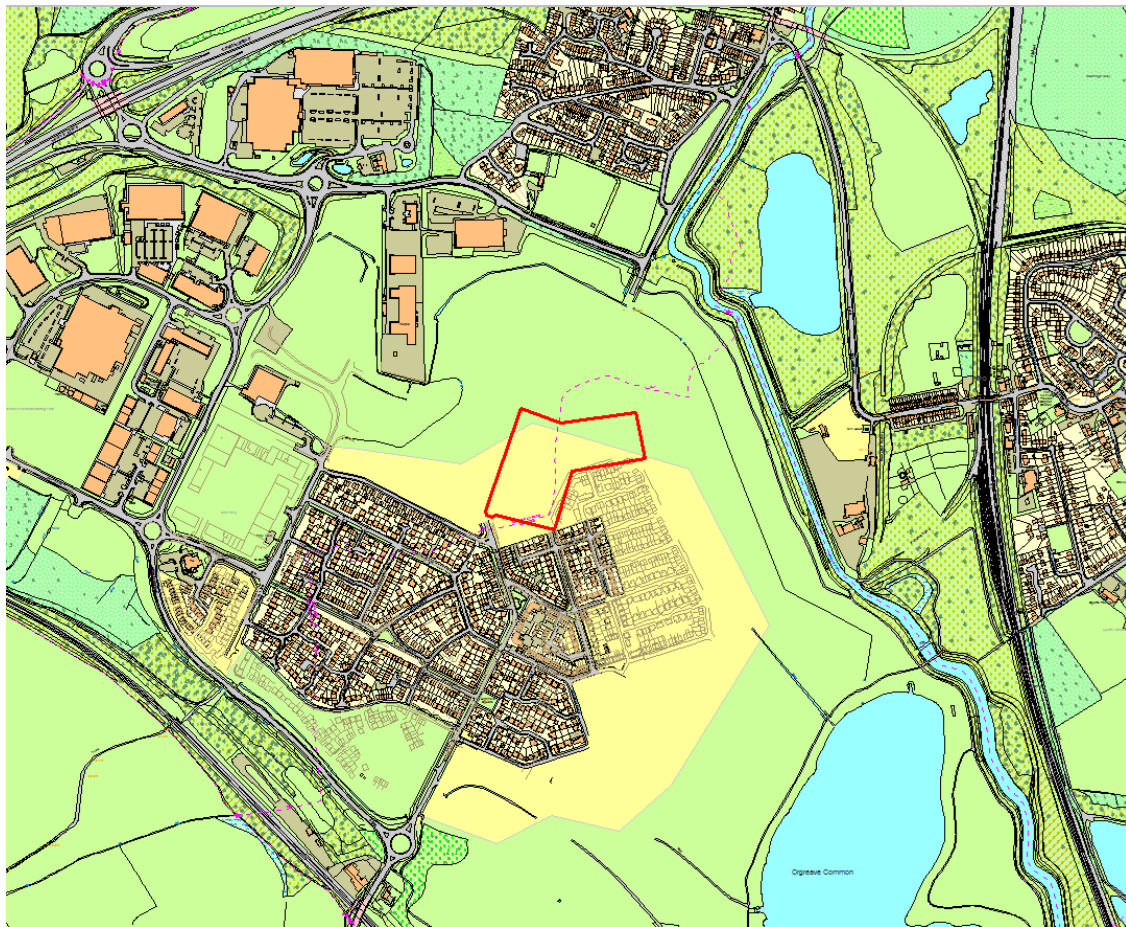
RB2018/1525 Reserved matters application (details of access, appearance, landscaping, layout and scale) for the erection of a primary school infrastructure including landscaping, car parking & provision of play pitches (reserved by outline RB2017/0743) at land off Highfield Lane Waverley for RMBC	Page 8
RB2018/1900 Change of Use to car valeting business (Use Class B1) at Former Loan shop Hollybush Street/ Rawmarsh Hill Parkgate for Mr H Mardan	Page 40

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 31 JANUARY 2019**

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	RB2018/1525
Proposal and Location	Reserved matters application (details of access, appearance, landscaping, layout and scale) for the erection of a primary school infrastructure including landscaping, car parking & provision of play pitches (reserved by outline RB2017/0743) at land off Highfield Lane, Waverley
Recommendation	Grant Conditionally

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



Site Description & Location

The application site covers an area of approximately 2.85 ha and is located within the Waverley New Community (WNC). Currently it is bounded on two sides, to the south east and south west by residential properties which are either complete or under construction. Other boundaries are open but will eventually comprise of further residential development.

A new estate road has recently been constructed along the southern boundary and Highfield Lane has been provided up to the western corner of the site, however planning permission has been granted for its full reinstatement through to Poplar Way in Catcliffe. Work on this is likely to commence in early 2019.

Having regard to the topography of the site the built form of the development is on a plateau which falls towards the north east at an approximate gradient of 1:25. The proposed sports pitches and garden area fall towards the north at a gradient of around 1:18.

Background

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

Following completion of the remediation works, a number of applications were submitted relating to a new community, these are listed as follows:

- RB2008/1372: Outline application with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting). - GRANTED CONDITIONALLY on 16/03/2011

- RB2011/1296: Application under S73 for the continuation of outline permission with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting) with variation to Conditions 5, 6, 17, 18, 29 (imposed by RB2008/1372) - GRANTED CONDITIONALLY on 30/11/2011
- RB2012/1428: Application under S73 for the continuation of outline permission with all matters reserved except for the means of access for a new community comprising residential (3890) units commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting) with variation to Condition 26 of RB2011/1296 to increase the trigger point for the implementation of improvements to the A630 Parkway/B6533 Poplar Way/Europa Way junction including details of the works to be undertaken. - GRANTED CONDITIONALLY ON 26/04/2013
- RB2013/0584: Non-material amendment to application RB2012/1428 to include amendments to Conditions 03, 04, 26 and 48 - GRANTED CONDITIONALLY on 26/09/2013
- RB2013/0663: Details of the construction of a road, Highfield Lane (reserved by outline RB2012/1428) – GRANTED CONDITIONALLY on 22/07/2013
- RB2013/1496: Non-material amendment to RB2012/1428 to change wording of Condition 48 to allow Masterplan Parameters to be updated – GRANTED CONDITIONALLY on 27/11/2013

- RB2014/0775: Application under Section 73 for a minor material amendment to vary conditions 01-06, 08, 12-15, 18, 19, 25, 33, 35, 43, 44, 47 and 48 imposed by RB2012/1428 (Outline application for Waverley New Community) including alterations to the Design & Access Statement & Parameter Plans, the Surface Water Strategy, and with an increase in the trigger points for the submission of an alternative transport scheme to the Bus Rapid Transit and for improvements to the B6066 High Field Spring/Brunel Way - GRANTED CONDITIONALLY on 29/09/2014
- RB2015/1380: Variation to the Section 106 Agreement attached to RB2008/1372 to vary the clauses within the Agreement that require Harworth Estates to provide land for a Park and Ride facility at Waverley New Community - AGREED on 10/12/2015
- RB2015/1460: Application to vary Condition 19 (details of improvement to B6066 Highfield Spring/Brunel Way (AMP North)) imposed by RB2014/0775 – GRANTED CONDITIONALLY on 17 December 2015
- RB2017/0743: Application under Section 73 for a minor material amendment to vary conditions 2, 3, 4, 6, 7, 8, 14, 16, 22, 24, 37 & 39 imposed by RB2015/1460 () which relate to the Masterplan Development Framework and Principles Document, floorspace limits of none residential use classes and highway improvement works – Granted Conditionally 01/12/2017

Proposal

The application is for the approval of reserved matters for part of the scheme approved under outline permission RB2017/0743 which relates to the provision of a two form entry primary school.

It is proposed that the school building will be constructed mainly on a single ground floor level, with the only exception being the Highfield Lane teaching block. This block will be two storeys in height and accommodate a replicated floor plan on each floor. Each floor consists of 6 class bases, with ancillary toilets and storage. There is a staircase at each end, with the southern end, nearest Waverley Walk and the main entrance, accommodating a passenger lift.

A retaining wall that varies in height between 0.5m to 3.5m is located between the staff car parking area, off Highfield Lane and the teaching block and playground. This is necessary to deal with the level changes in this area as the land slopes steadily down along the Highfield Lane alignment towards Catcliffe.

The main hall is located in the far south eastern part of the site occupying the prominent junction of Waverley Walk and Highfield Lane.

The remainder of the building occupies the stretch along Waverley Walk. This portion of the building accommodates the entrance, reception, staff facilities and, toward the eastern end of Waverley Walk, is the nursery and foundation stages (ages 2-4). The very south eastern corner of the site accommodates a feature entrance way/marker for the site.

Along the road that bounds the eastern edge of the building will be a stand-alone ASC (Autistic Spectrum Condition) building. This is a single storey element with its own play space that doubles as a taxi drop off. This building will accommodate a social/class space area as well as kitchen, staff facilities and toilets.

The external school landscaped area will become an extension of the classroom environment and include a large mown grass area suitable for sporting activities, a wildlife area, playground and outdoor classrooms.

Visitor and staff parking for approximately 50 vehicles, in addition to 3 accessible bays are to be located off Highfield Lane. Additionally there are secure cycle parking stands for 10 cycles in the staff car park and substantial cycle and scooter parking provision within the school grounds for pupils.

The site is not intended to accommodate student drop off / parking within it, but there is to be a drop of bay area along the street that lies to the eastern side of the site.

The boundaries will be secure but their treatment will vary depending on location. Fencing will be used to provide a secure, safe guarding function but colour and the introduction of higher quality materials (ie. brick walls and artistic elements) will be used in prominent areas.

Supporting documents

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

Design and Access Statement – this assesses the design principles associated with the proposed development based on an appraisal of the character of the local built environment.

Noise Assessment - this confirms that through the use of appropriate mitigation, it is considered that the proposed development will avoid noise giving rise to significant adverse impacts on health and the quality of life.

Air Quality Assessment - this provides an assessment of the effect of development on air quality within the area and concludes by stating the 2020 assessment of the effect of emissions from traffic associated with the scheme, has determined that the maximum predicted increase in the annual average exposure to NO₂ at any existing residential receptors is likely to be 0.03 µg/m³ at Rivelin Way (R7). All modelled residential and proposed residential receptors are predicted to be below the AQO for NO₂, PM₁₀ and PM_{2.5} in the 'do minimum' and 'do something' scenarios. The assessment of the significance of the effects of the proposed development with respect to NO₂,

PM10 and PM2.5 exposure is determined to be 'negligible' for all receptors. In conclusion, following the adoption of the recommended mitigation measures, the proposed development is not considered to be contrary to any of the national and local planning policies.

Extended Phase 1 Habitat Survey - this confirms that a desktop survey has been undertaken which indicates there are no sites of international nature conservation interest within 5km of the site. There is one nature reserve, Catcliffe Flash within 490km of the site boundary however no negative impact is expected on the statutory sites of nature conservation interest as a result of the development. It is recommended that any vegetation clearance be undertaken outside of the bird breeding season

Transport Statement - this concludes by stating that an estimated 420 pupils will attend the school when it is fully opened. Given the location of Waverley Junior Academy on a residential development with high quality walking and cycling infrastructure within a clearly defined local school catchment, it is expected that the majority of pupil journeys to the school will be made by non-car modes. Staff travel is more likely to be by car and is accommodated by sufficient parking on the site. A dedicated school serving the catchment of the Waverley estate will generate fewer school related car trips than would otherwise be made if pupils were required to attend schools further afield. The new school will also help constrain trips to mostly within the local network rather than increasing car traffic across the wider area. Given this, it is concluded that there are no traffic grounds to withhold consent for the proposed development.

Travel Plan - this confirms that the overall aim of the Travel Plan is to reduce the reliance on car use by staff and parents of pupils attending the school. To do this the Travel Plan aims to promote realistic alternatives, particularly through cycling and public transport. A range of measures has been identified that seeks to support and encourage pupils to walk, cycle or scoot to school and to encourage staff to travel by public transport, car share, walk or cycle. These measures include walking rewards, cycle training sessions, travel challenges/competitions and provision of information relating to sustainable travel methods. A Travel Plan Co-ordinator (TPC) will have day-to-day responsibility for the Plan and will specifically promote and champion the sustainable transport measures contained within the Travel Plan. To ensure that the Travel Plan is implemented and maintained effectively, the TPC will need to dedicate appropriate time to travel plan related activities, particularly in the early stages of implementation.

Flood Risk and Drainage Assessment – this concludes by stating that the site is shown on the EA Statutory Flood Maps as being entirely within Flood Zone 1. There are no historical records of any flooding within the application site and the application site is considered to be at low risk of flooding from rivers, surface water, sewers, overland flows, groundwater, and reservoir failure. Exceedance flows up to the 1 in 100 year plus 40% Climate Change event will be stored within external car parking and play areas.

Geo-Environmental and Geotechnical Site Assessments - these confirm that remediation and validation works have been undertaken at the site in the past, although the number of trial pits/boreholes constructed provided insufficient coverage across the site. For this reason further site investigations were undertaken between the 10th and 26th October 2017 to obtain further understanding of the ground conditions and to ensure the site is fit for use in terms of both geotechnical stability and contamination risks. These investigations have concluded that the site is suitable for development.

Development Plan Allocation and Policy

The application site is allocated as a Special Policy Area (Waverley New Community) in the Development Plan following the adoption of the Sites and Policies document. For the purposes of determining this application the following policies are considered to be of relevance:

- CS1 Delivering Rotherham's Spatial Strategy
- CS3 Location of New Development
- CS20 Biodiversity and Geodiversity
- CS21 Landscape
- CS22 Green Space
- CS25 Dealing with Flood Risk
- CS28 Sustainable Design
- CS29 Community and Social Facilities
- CS33 Presumption in Favour of Sustainable Development

- SP1 Sites Allocated for Development
- SP26 Sustainable Transport for Development
- SP32 Green Infrastructure and Landscape
- SP33 Conserving and Enhancing the Natural Environment.
- SP39 Design and Location of Green Space, Sport and Recreation
- SP52 Pollution Control
- SP55 Design Principles
- SP57 Sustainable Construction
- SPA1 Waverley New Community

Other Material Considerations

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 revised 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 Local Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of a press notice and 3 site notices around the perimeter of the site along with individual neighbour notification letters to properties immediately surrounding the site. No letters of representation have been received

Consultations

RMBC Transportation Infrastructure Service – Have reviewed the content of the Transport Assessment and Travel Plan and raise no objections to the proposed development subject to appropriately worded conditions.

RMBC Landscape Design – consider the landscape proposals to be acceptable and include an appropriate level of landscape to the streetscene, and the school environment in line with the relevant approved design codes. Accordingly no objections are raised.

RMBC Drainage – are satisfied with the conclusions of the submitted Flood Risk Assessment and Drainage plans. As such no objections area raised.

RMBC Environmental Health (Noise) – concur with the conclusions outlined in the submitted Noise Assessment and do not wish to raise any objections to the proposed development.

RMBC Environmental Health (Air Quality) – have confirmed that the content of the submitted Air Quality Assessment is accurate and subject to the provision of electric charging points being installed within the staff car park, no objections are raised.

RMBC Environmental Health (Land Contamination) – have reviewed the submitted Geo-Environmental and Geotechnical Site Assessments and subject to the imposition of conditions do not raise any objections to the proposed development.

RMBC Ecology – raise no concerns with the submitted Extended Phase 1 Habitat Survey and recommend permission is granted subject to the Survey recommendations being conditioned.

RMBC Green Spaces – do not wish to comment as the application site does not impact upon any area of public open space.

Environment Agency – raise no objections

Sport England – confirm that the proposed development does not fall within either their statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore they have not provided a detailed response in this case.

Sheffield Area Geology Trust - has reviewed the planning application and report that there will be no impact from the proposed development upon any geological assets in the Rotherham area.

The Coal Authority – have confirmed that the application site falls within the defined Development High Risk Area, more specifically it is located within a wider site from which coal have been extracted by surface (opencast) methods. The submitted Geo-environmental and Geotechnical Site Assessment report have been reviewed and the report confirms that the site layout avoids the construction of buildings over the opencast highwall area. Accordingly, no objections are raised.

Yorkshire Water – raise no objections to the proposed development.

Appraisal

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

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

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

The main considerations in the determination of this application are:

- Principle of Development
- Design and Visual Amenity
- Residential Amenity
- Flood Risk and Drainage
- Highways Issues
- Ecology/Biodiversity Matters
- Landscaping
- Air Quality Issues
- Geo –Technical Issues

Principle

This application has been submitted as reserved matters to a previously approved outline application RB2017/0743 which was granted on 1st December 2017. This application was subject to a S106 Agreement which required the landowner to fund a new two form entry primary school upon the occupation of 750 dwellings.

The principle of development has therefore been established by the outline planning permission and the development proposed under this current application does not alter from the approved outline scheme. Accordingly, the proposed residential development is considered to be in accordance with the local plan and NPPF.

Design and Visual Amenity

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

The NPPG further goes on to advise that: "Local planning authorities are required to take design into consideration and should refuse permission for development of poor design."

Sites and Policies Plan Policy SP58, states: "all forms of development are required to be of high quality, incorporate inclusive design principles 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."

Additionally, Core Strategy Policy CS28 'Sustainable Design,' indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

The site is located at the junction of Waverley Walk and Highfield Lane. This development parcel falls outside of the new community design codes and as such a Design Code for the school itself has been submitted and approved as part of a discharge of condition on the Outline consent (RB2017/0743). A separate design code covers Waverley Walk key public realm area which runs along the frontage of the school site.

Specifically, the site is located within the wider Waverley development and immediately to the east of Highfield Lane which is the central spine road that bisects the site. This road is only constructed in part, however work to complete it and connect it to Poplar Way in Catcliffe is proposed in early 2019. Further east and south is Phase 2a which is currently under constructed and comprises of 3 storey apartment blocks and two storey dwellings, whilst to the north is land that is reserved for the creation of Highwall Park.

This application seeks permission for the erection of a new 2 form entry primary school building with a floor area of approximately 2,875m² and a footprint of approximately 2060m². Eventually, the school will be capable of accommodating approximately 500 pupils.

Having regard to the layout, the proposed building is predominantly single storey along Waverley Walk with a two storey teaching block along Highfield Lane. However, the main hall takes on a two storey form in order to attract visual interest to the key junction of Waverley Walk and Highfield Lane. The building itself, is located to the south side of the site, so as to allow the building to be accessed via the main pedestrian access more easily from Waverley Walk, and retaining a civic presence to this key façade. However, vehicular access and drop-off points are located off the western and eastern boundaries.

A retaining wall that varies in height between 0.5m to 3.5m is located between the staff car parking area, off Highfield Lane and the teaching block and playground. This is necessary to deal with the level changes in this area as the land slopes steadily down along the Highfield Lane alignment towards Catcliffe. It is proposed to construct these level changes using gabion baskets which will provide an attractive solution whilst also maintaining the privacy and security of pupils.

The result of these level changes means that the northern elevation of the 2 storey teaching block will sit higher out of the ground than that sited along the southern boundary. The applicant has provided 2 sections through the site along an east – west axis and a north south axis. The former assumes that a traditional 2 storey dwelling will be constructed on the opposite side of Highfield Lane, to the west of the site and shows a difference in height, at its highest point of 3.4m, however given this dwelling is likely to be in the region of 43m from the teaching block, it is not considered that it will appear out of scale within the street scene.

The second section running along the north/south axis articulates the level changes in this area, which are more severe than the east/west section. In this location the land falls away more severely as the site slopes in a downwards direction towards Catcliffe. In order to consider the impact of these level changes a traditional two storey dwelling is shown on the development parcel to the north, beyond the school site. This ridge of this dwelling is sited 8.7m below the ridge of the teaching block and whilst it is acknowledged that this difference is significant, consideration should be given to the fact that the engineered ground level slopes, therefore the school building is naturally going to be higher than any residential properties constructed on the development parcels to the north. Furthermore it is also noted that the separation between the two buildings is approximately 110m and the intervening area will consist of soft landscaping within both the school grounds and Highwall Park. Accordingly it is considered that the proposed teaching block, whilst prominent when travelling southwards from Catcliffe towards Handsowrth will not be an unduly intrusive feature within the street scene.

The visual appearance of the elevations is set out in the Waverley School Design Code (as approved) and will consist of slate blue dark masonry and contrasting white masonry or white render. Predominantly, the white is kept to the inner facing elements of the facades and the outer/public facings facades are to be in the slate blue. The exceptions to this are areas that are visible or facing public areas, but which are inboard of the site (Teaching block set back from the car park, or the Kitchen façade) which incorporate a mixture of both materials to break the elevations, along with glazing.

The key element of the hall is to have textured projecting brickwork to give texture and interest to the brickwork wall where there is no glazing, this being a key elevation. The other end of Waverley Walk, whilst kept open in the corner it is proposed to incorporate a feature archway that will demonstrate the corner's importance to the area, whilst also denoting the entrance to the Nursery and Foundation Stage areas of the school.

The remainder of the site will comprise of the playground, nature areas, gardens and playing fields associated with the school. These will be secured by appropriate boundary treatment; however no details have been provided as part of this application and may vary depending on location. Nevertheless the applicant has indicated that fencing will be used to provide a secure, safe guarding function but the colour and the introduction of higher quality materials (ie. brick walls and artistic elements) will be considered to enhance its visual appearance. The detail of which can be secured via the imposition of an appropriately worded condition.

Given the architectural context of the proposals in terms of massing, scale and overall appearance, it is considered that the design will complement the existing nearby buildings and form a positive visual contribution to Waverley New Community as a whole. Accordingly, the proposal is acceptable and would satisfy the relevant design policies and guidance of the NPPF, Core Strategy policy CS28 and Sites and Policies Document Policy SP55.

Compliance with the Master Plan Development Framework and Principles Document and Design Code

The Master Plan Development Framework and Principles Document was submitted and subsequently approved to replace the previously approved Design and Access Statement under ref: RB2017/0743. This document clarifies the changes proposed to the next phases of development and explains how it ties in with the wider new community scheme. Included at page 28 is an illustration of Key Space A, this area includes Waverley Walk and is the key pedestrian route through Waverley New Community. It links the Advanced Manufacturing Park and the new mixed use centre on Highfield Commercial to the rest of Waverley including the schools and the Lakeside. Key Space A will provide a high quality public realm along Waverley Walk between the mixed use centre which will lead through a residential area to the school. It further goes on to state that a civic space to the front of the school providing seating and soft landscape will be developed.

Whilst this falls outside of the planning application boundary, this area of public realm is being developed by Harworth and the details will be submitted shortly in support of an application to discharge conditions on an earlier planning consent. The detail of which will thereafter be incorporated into the wider school landscape scheme.

Additionally, Key Space C identifies the school site and states that the space along the eastern school edge will need to respond to various needs and functions including the main entrance square, traffic calming, and school drop off. It further goes on to set out some important design considerations including the need for good quality public realm, a street design that naturally calms traffic and the need to provide sufficient space for visitor parking along the street and close to the school entrance.

The Master Plan Development Framework and Principles Document also requires the approval of a Design Brief which was submitted and subsequently approved in August 2018. This document provides the detailed design principles for the school including where necessary a description of the constituent elements, layout, architectural and public realm treatment. The layout, massing and external appearance of the school has been designed in accordance with this document and the landscape masterplan takes into account the high quality of public realm that is deemed necessary in this important location.

Having regard to the above, it is considered that the proposed development fully complies with the rules and parameters of the approved Design Brief for this site and the overriding Master Plan Development Framework and Principles Document.

Residential Amenity

The NPPF notes at paragraph 124 that: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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 123 of the NPPF states: “Planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development...”

Planning Practice Guidance Paragraph 008 Noise states that the adverse effects of noise can be mitigated by either:

- Engineering
- Layout
- Use of planning conditions/obligations
- Mitigation.

A Noise Assessment has been submitted with the application together with an additional report which relates to noise from the ports and play grounds.

The noise survey has been undertaken and the results used to verify predictions of the effects of the possible fixed plant noise (i.e. building service plant). The noise levels across the site have been predicted at proposed receptors using CADNA noise modelling software, which incorporates ISO 9613 and CRTN methodologies and calculations.

An attended baseline monitoring survey was undertaken at six locations. This included noise measurements undertaken as part of previous surveys within the WNC in March 2018 as well as supplementary measurements undertaken on Tuesday 25th September 2018 and Wednesday 26th September 2018.

Having regard to the main noise survey results, the dominant noise sources found in the area include: road traffic noise from Highfield Spring and Sheffield Parkway. During the day noise from construction lorries moving in and out of the new Avant homes site could be heard.

The assessment compared the predicted noise levels from building service plant (BSP) with the existing measured background noise LA90 at the surrounding existing residential receptors. The representative existing measured background noise level for each receptor was established from a review of the noise survey data.

The report concluded that the proposed development will avoid noise giving rise to significant adverse impacts on health and the quality of life. An assessment was undertaken with regard to noise from the building services plant.

Predicted noise levels from the proposed sports pitches and playground area are generally below 50 dB LAeq,T and, at all receptors, below 55 dB LAeq,T. Predicted noise levels are, therefore, comparable to existing ambient noise levels.

The report concludes that the proposed building plant would have noise rating level of 5 dB below the existing background noise level at nearby receptors which will be of low impact. Furthermore, the development will not be an unacceptable impact from the short-term use of the playground and sports pitches in respect to existing dwellings, dwellings currently under construction and future dwellings within the wider WNC development site.

Having regard to the siting, scale and massing of the building in relation to existing residential properties, the office block located along Waverley Walk and the ASC unit along Cherry Tree Way are all constructed as single storey blocks and whilst it is acknowledged that residential properties exist or are under constructed directly opposite, these are generally 2.5 or 3 storeys in height. The impact of the new school on the amenity of these residents is therefore considered to be minimal and will not as a result overshadow or overlook these properties.

The two storey teaching block located parallel with Highfield lane is designed as a two storey block and the northern most edge is elevated approximately 3.5m out of the engineered ground level. Nevertheless, this block is set in from the highway to accommodate the car park and is therefore likely to be approximately 43m from any future residential properties on the opposite side of the road. It is therefore unlikely that the built form of this block will materially impact on the living conditions of future residents of these properties.

Having regard to all of the above, the Council's Environmental Health department concur with the findings of the report and raise no objections to the proposed development. Furthermore, it is considered that the built form of the development will not impact on the amenity of existing or future residents. Accordingly the development is considered to be acceptable and in accordance with the guidance outlined in the NPPF and NPPG.

Flood Risk and Drainage

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

The NPPF at paragraph 163 notes that: “When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and, it can be demonstrated that:

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

In assessing this issue, a flood risk statement has been submitted in support of the application. This assessment confirms that the site lies within Flood Zone 1 as identified on the Environment Agency (EA) maps. The redevelopment of the site will not be expected to displace any flood waters and according to the EA surface water maps, the site is at a low risk of surface water flooding. The EA have raised no objections to the proposals.

The entirety of the WNC has been designed to drain to a reservoir that has a final discharge to the River Rother. The site wide surface water strategy at Waverley has been developed to limit the discharge to the River Rother at the equivalent greenfield run-off rate of 5l/s/ha. This school plot will be developed in line with the Rotherham MBC approved Outline Surface Water Drainage Strategy dated September 2009 (reviewed 2014).

Having regard to the proposed surface water drainage strategy the north eastern section of the site is proposed to be left as open field with the potential to incorporate a sports pitch. Therefore, no drainage in this area is required.

The north western section of the site is to be developed into a garden and other outdoor learning areas and so will be left to drain naturally.

The school will be built in the southern area of the site and it has been taken that the area will become 100% impermeable, as it will include the school building, car parking (including a class 1 by-pass separator), outdoor classrooms, and play areas. The area will be served by a new drainage system discharging into the culverted watercourse to ultimately be discharged into Waverley Reservoir.

The Council’s drainage engineer has reviewed the content of the flood risk assessment, together with the submitted drainage plans and is satisfied that the information is accurate and acceptable to drain the site effectively. As such and subject to recommended conditions it is considered that the proposals accord with Policy CS25 ‘Dealing with Flood Risk,’ and the advice within the NPPF.

Highways Issues

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

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

The NPPF further notes at paragraph 102 that: "Transport issues should be considered from the earliest stages of plan-making and development proposals, so potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised, opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified and assessed and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places."

Paragraph 103 to the NPPF further goes on to note that: "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised."

The submitted Transport Statement confirms that the aim is for the school to be built and ready for use by 2020. Waverley New Community will become the catchment area for the new school and will remain so until establishment of the second Primary School on the estate. At this point Waverley would be equally split into two catchment areas serving the respective schools.

An estimated 420 pupils will attend the school when it is fully opened. Given the location on a residential development with high quality walking and cycling infrastructure within a clearly defined local school catchment, it is expected that the majority of pupil journeys to the school will be made by non-car modes. Staff travel is more likely to be by car and is accommodated by sufficient parking on the site.

A dedicated school serving the catchment of the Waverley estate will generate fewer school related car trips than would otherwise be made if pupils were required to attend schools further afield. The new school will also help constrain trips to mostly within the local network rather than increasing car traffic across the wider area.

The Councils Transportation Infrastructure Service have audited the Transport Statement and concur with its findings. Accordingly it is considered that the proposed development is in accordance with the outline permission and will not have a detrimental impact on the highway network.

Turning to the layout of the proposed development, vehicles from the public highway will gain access to a dedicated staff parking area on the site from two new junctions off Highfield Lane. The staff car park will have 50 spaces, including two accessible parking bays for Blue Badge holders and vehicles associated with the servicing of the school and deliveries will also utilise this access.

For parents, drop-off and pick-up provision will be provided to the eastern side of the school. A dedicated area has been identified to minimise the impact on other residential streets close to the school and a number of lay-by's are shown to reduce the impact of on street parking.

Having regard to pedestrian and cycle routes a shared footway runs parallel to Highfield Lane, providing an attractive and safe walking and cycling route segregated from traffic by a wide grass verge and other greenery. Tactile paving and dropped kerbs are provided at each junction. Across Waverley there is also provision of wide footways and pedestrian paths which provide convenient walking routes from residential areas to the school.

The provision of a controlled crossing across Highfield Lane was also deemed necessary which could come forward in the form of a zebra or pelican crossing. The detail of which will be secured via the imposition of a suitably worded condition.

A Traffic Regulation Order (TRO) will also be required to consider the appropriate location for road markings associated with a school in this location, however this will be dealt with under separate legislation.

The application is also accompanied by an outline Travel Plan which states that a range of measures have been identified that seeks to support and encourage pupils to walk, cycle or scoot to school and to encourage staff to travel by public transport, car share, walk or cycle. The success of the Plan will be measured against the number of overall car trips generated by the school and the number of trips made by more sustainable modes, e.g. car share, public transport, walking and cycling.

A Travel Plan Co-ordinator (TPC) will have day-to-day responsibility for the Plan and will specifically promote and champion the sustainable transport measures contained within the Travel Plan. A Travel Plan Co-ordinator will be nominated in advance of the school opening, to implement some of the pre-opening measures, particularly relating to travel information.

Having regard to all of the above, it is considered that the proposals are acceptable. The development is therefore considered to be sited in a sustainable location and would satisfy the provisions of Policy CS14 'Accessible Places and Managing Demand for Travel and paragraphs 102 to 111 of 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 174 that: "To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."*

An extended Phase 1 Habitat Survey has been submitted in support of the application, this concludes that there are no sites of internal nature conservation interest within 5km of the site. Catcliffe Flash is located approximately 490m to the north east, across the River Rother. This is designated as a Local Nature Reserve. No negative impact is expected on the statutory sites of nature conservation interest as a result of the development as there is no feasible mechanism by which the development of the site could negatively impact upon it.

There are nine non statutory local wildlife sites within 2km of the site boundary. The site closest is Treeton Colliery LWS located approximately 950m to the north east of the site across the River Rother. No negative impact is expected on the non-statutory sites of nature conservation interests.

Notwithstanding the above, the Survey concludes that there is some potential for protected/priority species to be present on the site itself. These species include breeding birds, reptiles and brown hare. Accordingly, a number of recommendations are suggested to minimise the impact of development which include:

- Vegetation clearance should be undertaken outside of the bird breeding season
- Prior to the onset of development a risk assessment and method statement for reptiles detailing all reasonable avoidance measures shall be prepared.
- An ecological clerk of works should be appointed.
- Bird nesting facilities shall be incorporated into the fabric of the building.
- Native species of local provenance shall be incorporated into the landscape scheme.

The Council's Ecologist has assessed the content of the survey and acknowledges that the current site has limited ecological value. The methodology used in the survey work is considered to be appropriate and the recommendations suggested are appropriate for development in this location.

Accordingly, subject to biodiversity enhancement conditions, the proposals therefore accord with the provisions of Policy CS20 'Biodiversity and Geodiversity and Policy SP33 'Conserving and Enhancing the Natural Environment'.

Landscaping:

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 Design and Access Statement states that the external school landscape will become an extension of the classroom environment with opportunities for the school pupils to develop physically as well as mentally. The design includes the following areas:

- Level Grass Area
- Wildlife Area
- Transition Zone
- Playground
- Outdoor Classrooms
- Waverley Walk and Highfield Lane

Each of these areas have a distinct character as well as meeting the size requirements of outdoor space for a school of this size and nature. The wildlife area will be less intensively managed with a variety of habitats including wildflower/grassland, naturalistic scrub/tree plantations, damp ditches (possibly forming rain gardens from building and hard surface run-off) and mounds together with opportunities for educational study including decking access, informal paths, boulders, habitat piles, sheltered outdoor classroom and informal seating. Whilst the level grass area will provide facilities for football, 100m long sprint lanes, rounders pitch and a perimeter route of sufficient length that, if completed 3 times, would equate to 1 mile (in line with the latest health initiatives encouraging primary schools and nurseries to take children out for a 15 minute jog every day, equivalent to approx. 1 mile).

The perimeter landscaping is shown indicatively on the submitted landscape masterplan, tree planting along Highfield Lane will be provided as part of the infrastructure works being carried out by Harworth Estates however the public realm and street scene along Waverley Walk will comprise of high quality paving and street furniture together with avenue tree planting. The exact design and programme for implementation will be secured via a condition prior to the occupation of the building

Taking account all of the above the Landscape Design Service notes that the submitted landscape scheme takes into account the comments previously made at pre-application stage. Subject to the imposition of the recommended conditions in respect of the requirement for further information relating to species, it is considered that the proposals accords with Policy CS21 'Landscapes.'

Air Quality Issues

An air quality assessment has been submitted in support of the application, this confirms that the potential effects during the construction phase include fugitive dust emissions from site activities, such as earthworks, construction and trackout. The impacts during the operational phase take into account exhaust emissions from additional road traffic generated due to the proposed development.

During the construction phase, it is anticipated that dust sensitive receptors will potentially experience increased levels of dust and particulate matter before using any mitigation and control measures. However, these are predicted to be short term and temporary impacts. Throughout this period, the potential impacts from construction on air quality will be managed through site specific mitigation measures detailed within this assessment. With these mitigation measures in place, the effects from the construction phase are not predicted to be significant.

During the operational phase, the assessment of the significance of the effects associated with both the committed and proposed developments with respect to NO₂, PM₁₀ and PM_{2.5} exposure are determined to be 'negligible' for all receptors. The NO₂ concentration at the proposed development is below the Air Quality Objective and as such, no additional mitigation is required at the proposed development, however it is intended to provide 2 electric vehicle charging points within the staff car park.

The Council's Environmental Health department have assessed the content of the report and subject to the recommended mitigation measures, the development is not considered to be contrary to the Local Plan.

Geo –Technical Issues

The application site itself was in use as farmland associated with Highfield Farm until 1956 when the eastern section of the site became occupied by a sports ground. At this time Orgreave Colliery and Coking works was located off site to the south/south east of the application site, but by 1996 the site became part of the Orgreave opencast coal extraction workings. By 1999 the site became partly occupied by a plant bay in the northern section of the site until opencast works were eventually undertaken across the entire site. By 2006 all opencast workings were complete.

The site has been backfilled with made ground and restored to provide a gently sloping ground surface.

Remediation and validation works have been undertaken at the site in the past, although the number of trial pits/boreholes constructed provided insufficient coverage across the site. For this reason further site investigations were undertaken between the 10th and 26th October 2017 to obtain further understanding of the ground conditions and to ensure that the site is fit for use in terms of both geotechnical stability and contamination risks.

Chemical analysis of previous and more recently obtained soil samples have demonstrated that the majority of anticipated contaminants were found to be below the relevant governmental contamination guideline thresholds. Only two contaminants were found to exceed the threshold limits and these were polyethylene and polyvinyl chloride. These contaminants have the potential to permeate through water supply pipes and therefore should be further assessed upon finalisation of pipeline routes. Further soil sampling should be carried out along the identified pipeline route and assessed against Generic Assessment Criteria for plastic water supply pipes using UKWIR (2010) guidance.

Gas monitoring has been undertaken six times over a three month time period at the application site. Elevated concentrations of carbon dioxide gas have been detected and the hazardous ground gas risk assessment has identified that the site falls within a Gas Characteristic Situation 2 and the school and associated buildings will require gas protection measures.

Within the addendum Geotechnical Report it is reported that a 2m layer of non-engineered fill has recently been placed across the south of the site which is the area of the proposed school building footprint. This material may require treatment/re-engineering prior to development of the school.

It is also reported that some local cut and fill operations will be required to create level platforms across the site. However, within the addendum Geotechnical report the changes to ground levels have not been considered. Accordingly an updated geotechnical assessment and an earthworks specification/plan will need to be provided confirming the exact works to be undertaken which can be secured via an appropriately worded condition.

Having regard to all of the above it is considered that the proposed development can be accommodated on site and will not have a detrimental impact on ground stability or contamination. As such the proposed development is acceptable subject to appropriately worded conditions.

Conclusion

The principle of development has previously been established under the outline permission and it is considered that this reserved matters application has a layout and form that is acceptable and in accordance with the requirements of the design code.

The new school would not have any undue detrimental impact in terms of overdominating building form or loss of privacy due to overlooking, by future occupiers of adjacent dwellings. Furthermore it is considered that adequate provision has been made for parking such that it is not considered that the development will result in any impact on highway safety.

Overall, it would represent an acceptable and appropriate form of development on this sustainable site that is allocated for residential purposes and would be in compliance with the requirements detailed within the Local Plan and the advice within the NPPF and NPPG. In respect of other material considerations raised it is recommended that planning permission be granted subject to the signing of the relevant Legal Agreement and the suggested conditions set out below.

Conditions

General

01

The development hereby approved must be begun not later than two years from the date of this reserved matters application.

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990 and to comply with the conditions of the outline application RB2017/0743.

02

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

- Site Location Plan – Dwg No. 712/113/001-002
- Proposed Planning Site Plan – Dwg No. 712/113/001 - 003
- Street Elevations – Planning Elevations – Dwg No. 712/113/001-201Rev B
- General Arrangement Plan – Dwg No. 712/113/001-001
- Site Sections – Dwg No. 712/113/001_103
- Site Section – Lateral – Dwg No 712/113/001-351
- Site Section – Lateral 2 of 2 – Dwg No 712/113/001-352
- Proposed Lighting Design Car Park – Dwg No. ASD-13301-EXT-DWG-P00
- Landscape Masterplan – 712 113 001_101

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

No above ground development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. the design shall be submitted in accordance with the details contained on the submitted boundary fence concept dwg no. 712-113-001-102. The boundary treatment shall be completed before the occupation of the building.

Reason

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

Transportation

05

The development shall not be commenced until details of "School" signs in nearby streets have been submitted to and approved by the Local Planning Authority and the approved signs, which shall comply with the Traffic Signs Regulations and General Directions Manual, shall be erected before the school is occupied.

Reason

No details have been submitted and in the interests of road safety

06

The development shall not be commenced until "zig-zag" road markings, reinforced by a Traffic Regulation Order, have been provided in the highways fronting the proposed pedestrian accesses, in accordance with details which shall be submitted to and approved by the Local Planning Authority.

Reason

No details have been submitted and in the interests of road safety

07

No above ground development shall take place until a Scheme has been submitted to and approved in writing by the Local Planning Authority to show details of a Zebra Crossing in Highfield Lane fronting the site and the phasing arrangements for this crossing to be brought into use.

Reason

No details have been submitted and in the interests of road safety

08

Prior to the development being commenced, a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority, the details of which shall include measures to deal with mud on the highway, the timing of deliveries, the routing of HGV's, a turning area within the site, storage facilities and parking for construction workers. The development shall thereafter be carried out in accordance with the approved details.

Reason

In the interests of the amenity of local residents and in the interests of road safety.

09

Within three months of the school opening a School Travel Plan (STP) shall be submitted to and approved by the Local Planning Authority. The STP shall be implemented in full and in accordance with the approved timetable and protocol unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

10

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.

All to the satisfaction of the Local Planning Authority and shall thereafter be maintained in a working condition.

Reason

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

11

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

Reason

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

12

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

Reason

No details having been submitted they are reserved for approval.

13

Prior to the use of the school grounds and/or hall being used after normal school hours by members of the public, a car park management strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall provide details relating to the hours of use and measures to encourage members of the public to use the car park in preference to on street parking. The approved measures shall thereafter be implemented for the lifetime of the development.

Reason

To reduce the need for on street parking, in the interests of residential amenity.

Flood Risk/Drainage

14

The development hereby approved shall be carried out in accordance with the details contained on the Drainage Scheme Dwg No. SK001 Rev P1.

Reason

To ensure that the development can be properly drained and will be safe from flooding in accordance with the Local plan and the NPPF.

Contaminated Land

15

Prior to the commencement of development details of suitable water supply pipes to ensure resistance from chemical attack from residual contaminants remaining in the ground shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these 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

16

Prior to the commencement of development details of the cut and fill earth movements shall be submitted to the Local Planning Authority in the form of a detailed earthworks/materials management plan to ensure that the geotechnical and contamination risks will be managed appropriately. The development shall thereafter be carried out in accordance with these 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

17

Prior to the commencement of development a written report shall be submitted to the Local Planning Authority for review and comment detailing the exact foundation and floor slab design to be used and will detail any ground treatment that may be required to the 2m layer of non-engineered place fill in the south of the application site. The development shall thereafter be carried out in accordance with these 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

18

The site has been characterised as a Gas Characteristic Situation 2 and gas protection measures are required for the school and any other associated buildings. Gas protection measures shall comprise:

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

Installation of the gas protection measures is to be verified by an independent third party and a validation report shall be submitted to the Local Planning Authority approval.

Reason

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

19

In the event that subsoil's / topsoil's are required to be imported to site for sport pitches or areas of soft landscaping, then these soils shall be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. If materials are imported to site the results of testing thereafter shall be presented to the Local Planning Authority in the format of a Validation Report.

Reason

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

20

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

Reason

To ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

21

A design sulphate classification of DS-2 and the corresponding aggressive chemical environment for concrete (ACEC) AC-1 shall be adopted for all sub surface concrete due to elevated soluble sulphate content within the soils and made ground across the 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

22

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

Reason

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

Landscape & Ecology

23

Prior to any above ground development taking place, 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 ongoing maintenance and a schedule of operations.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

Reason

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

24

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

Reason

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

25

The development hereby approved shall be carried out in accordance the recommendations contained within paragraphs 6.6 to 6.12 of the Extended Phase 1 Habitat Survey dated 31.08.2018.

Reason

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

Sustainable Construction

26

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

Reason

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

27

Prior to the occupation of the building a single charging bollard, providing two charging points from the single bollard (2-bay charger rated at 7kW) shall be provided within the car park and retained for the lifetime of the development.

Reason

To accord with national air quality objectives, in accordance with the provisions of Policy SP52.

Informatives

01

The proposal involves the provision of a new sports facility, therefore consideration should be given to the recommendations and priorities set out in any approved Playing Pitch Strategy or Built Sports Facility Strategy that the local authority may have in place. In addition, to ensure they are fit for purpose, such facilities should be designed in accordance with Sport England, or the relevant National Governing Body, design guidance notes:

<http://sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

02

Noise Disturbance

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

(iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

03

South Yorkshire Fire and Rescue

Access for appliances should be in accordance with Approved Document B, Volume 1, part B5, Section 11.

04

Surface Water Drainage now the responsibility of the LLFA.

Changes to the [Planning Practice Guidance \(Flood Risk\)](#) and the [new DMPO](#) which took effect on 15 April 2015. These support the use of SuDS solutions for surface water management from new development, and explain that the expert advice on surface water proposals should come from the LLFA.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2018/1900
Proposal and Location	Change of Use to car valeting business (Use Class B1) Former Loan shop Hollybush Street/ Rawmarsh Hill, Parkgate.
Recommendation	Grant subject to conditions

This application is being presented to Planning Board as more than 6 objections were received during the application and cannot be determined under Delegated Powers as indicated within the Scheme of Delegation.



Site Description & Location

The application site consists of a vacant plot at the junction of Rawmarsh Hill and Hollybush Street slightly to the north of the main commercial centre of Parkgate. The site was a former petrol station which closed in the early 1990s and then has operated as a retail unit. The last unit (Tool Hire) closed in 2017.

The land surrounding the application site comprises of a mix of retail and local business, a pub to the south and some residential properties to the east. The site is accessed via Rawmarsh Hill with an exit onto Hollybush Street.

The site is a broadly rectangular shape, 800square metres in total and gently slopes down from north to south. The existing building on the site is located in the eastern area of the site, away from the highway. It is approximately 265sqm in size.

Background

The site has an extensive planning history with the following applications considered the most relevant

RA1956/0417 – Shell proposed filling station – granted

RB1996/0037 – Change of use from petrol filling station to MOT testing centre – granted

RB1996/0725 – Change of use from petrol filling station to car sales and repairs – granted

RB1996/1307 – Extension and alterations to form tool hire depot – granted

RB2011/0811 - Change of use from timber store (use class A1) to financial services (use class A2) – granted

Proposal

This is a full planning application for the change of use of the site into a car valeting business (Use Class B1). The existing building will be used as a storage and detailing area as well as a customer waiting area provided. The area along the western side of the site, closest to Rawmarsh Hill will be the area where the valeting takes place with a total of 4 vehicles to be valeted at one time. The site can accommodate a total of 5 further vehicle parking spaces for customer and staff parking.

It is anticipated that 3 full time jobs will be provided. The steel bollards at the sites entrance and exist will be erected and locked when the premises are closed.

Proposed hours of use are between 0800 – 1800 throughout the week.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted on 25 June 2018.

The site has a retail allocation in the Local Plan, though it is just outside of the main retail shopping area. The southern section of the site lies within a known surface water flood risk area.

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

Core Strategy policy(s):

CS12 Managing Change in Rotherham's Retail and Service Centres
CS25 Dealing with Flood Risk
CS28 Sustainable Design

Sites and Policies Document:

SP19 Development Within Town, District and Local Centres
SP47 Understanding and Managing Flood Risk and Drainage
SP52 Pollution Control

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 revised 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 Local Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of site notice (12 December 2018) and letters to neighbouring properties (04 December 2018). A total of 14 representations have been received and can be summarised as follows:

- The proposal would be detrimental to the environment.
- An article in Rotherham Advertiser - 14th December indicated Nitrogen Oxide levels are breaching the legal limit on Rawmarsh Hill and having idling cars wait whilst they firstly queue and then have their cars washed by hand will not help the current situation.
- Having traffic queue to enter a hand car wash will not help the current situation.
- Potential increase in the number accidents at the junction making the area less safe for pedestrians.
- Increase in noise and disturbance to the surroundings.

Two Right to Speak requests have been received, one from the applicant and one from an objector.

Following the number of objections received the applicant's agent has sought to further clarify the proposals with local businesses and residents. It is understood that the applicant met with local businesses to explain the proposals in person. This has been summarised as follows:

- This meeting alleviated some of the original concerns raised from the surrounding businesses.
- Attempts were made to contact residents who have objected. This was not successful in some instances and so letters were left in letter boxes.
- The applicant comments that a quantity of uncollected post was present in some letter boxes and formed the opinion that some flats from which objections have been received may be vacant.
- The applicant goes onto comment that a number of the surrounding properties are owned by a single landlord.

Consultations

Streetpride (Transportation Infrastructure Service) – no objections subject to conditions

Planning Policy – no objections

Neighbourhoods (Environmental Health) – no objections

Streetpride (Drainage) – no objections subject to conditions

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle
- Design, Scale and Appearance
- Impact on the surrounding properties
- Highway Safety
- Flood Risk and pollution control Issues

Principle

The site is allocated for retail uses in the Local Plan, though this lies just outside of the main retail centre in Parkgate.

In terms of recent planning history this former petrol station site has had a number of uses since the mid-1990s, including car sales, a tool hire business and more recently A2 uses. It is currently vacant and was last recorded as occupied in the annual monitoring survey of September 2017.

Whilst an A1 occupier is considered the most desirable future use for this site in land use terms, the 18month vacancy of the site, as well as its previous planning history as a petrol filling station, car repair and car sales uses must also be taken into consideration. The site retains the character and layout of its previous petrol station use rather than that of a more typical retail unit which are found in other units in this area. The site also lies outside of the prime retail area of Parkgate. Overall due to its previous history it is considered that a car valeting use within the B1 use class would be acceptable in principle.

Design, Scale and Appearance

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

No extensions or additions to the existing buildings are proposed and the external appearance of the building is considered to remain the same as existing. The main change proposed is the erection of a mesh fence 1.8m high along the southern boundary of the site. From a visual amenity aspect it is considered that the proposed development is acceptable and in accordance with the NPPF and Core Strategy CS28 'Sustainable Design.'

Impact on the surroundings

The site lies within a mix of uses that are typically found in the edge of a local centre and these include retail, cafes and other local businesses along with a public house directly to the south of the site. Residential properties also lie within 50m of the site boundary, particularly to the east.

The main concern is the potential for an increase in noise and general disturbance, particularly to the nearest residential properties along Hollybush Street which are within 25m of the site.

A number of the objections raise air quality issues particularly with regard to poor air quality within the Parkgate area that has been reported within the local media. The objections indicate that with cars idling when approaching and entering the site is likely to increase. Whilst it is acknowledged that this may lead to a slight increase in vehicular emissions, the small scale of the proposal and limited size of the site is such that any increase when considered against the large background volumes of traffic on Rawmarsh Hill

is likely to be very small. It is also considered that another use within the A1 category may also lead to a localised increase in traffic and exhaust fumes. Accordingly this cannot be afforded significant material weight when balanced against background levels.

Proposed hours of use are between 0800-1800 throughout the week. This is considered to be in keeping with the general commercial character of the surroundings and is considered acceptable in an edge-of-centre site such as this.

The Environmental Health section have indicated that they do not envisage any significant loss of amenity by virtue of noise, air quality or land pollution impact and have not raised any objections to the proposal. It is not considered that a refusal on the grounds of deteriorating air quality could be justified.

The applicant has confirmed that they require the ability to use a jet wash if required. It is considered that this should only take place at the rear of the site, in the least visually prominent area and likely to have the least impact on pedestrians. This is recommended to be secured by condition.

Highway Safety

A number of the objections also raise concerns about increased traffic congestion and an increase in vehicular numbers resulting from this development. As indicated in the paragraphs above, whilst the proposal may result in some local increase in vehicle numbers, this is likely to be limited due to the small scale of the site. This is not likely to be an end destination for many vehicles and it is considered likely that the majority of future customers are likely to represent passing trade whilst en-route to another destination.

The Transportation Unit indicate that whilst the submitted layout does not indicate staff parking, they note that there are areas within the site where this could occur. Accordingly, the Transportation Unit do not object on highway capacity grounds and they consider the proposal acceptable from a highway aspect subject to conditions including a one-way traffic flow (entering from Rawmarsh Hill and existing at Hollybush Street) through the site.

Overall there are no objections to the granting of planning permission in a highway context.

Drainage and Flood Risk Issues

A Flood Risk Assessment has not been submitted in support of the planning application. However, the application site does not lie within a known flood risk area and the Drainage Officer confirmed that the proposal is acceptable subject to conditions.

Conclusion

The site is allocated for retail purposes in the Local Plan and lies outside of the main retail area within Parkgate. The principle of development is considered to be acceptable. The site lies on a busy main road with high volumes of traffic and the increase in exhaust fumes and congestion is not considered materially significant to justify a refusal. The proposal is not considered to have any higher level of future flood risk than the surroundings. The proposed visual appearance is similar to what currently exists with the main change being a new proposed fence. The proposal is recommended for approval subject to conditions.

Conditions

01

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

Reason

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

02

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

(Drawing numbers Site plan, layout plan, elevations
(received 03 December 2018)

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the fence development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on elevation drawing. The development shall thereafter be carried out in accordance with these details.

Reason

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

04

The car valeting use hereby approved shall only operate between 08:00 and 18:00 on any day.

Reason

In the interests of amenity of the surrounding area.

05

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

Reason

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

06

The existing vehicular access at Broad Street shall be clearly signed "In Only" and "No Exit" and the existing access at Hollybush Street clearly signed "Out Only" and "No Entry" before the development is brought into use and the signs shall be maintained throughout the life of the development.

Reason

In the interests of road safety.

07

Details of the proposed means of disposal of foul and surface water, including details of any off-site work and on site attenuation of surface water flows, 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 Local plan and the NPPF.

08

Surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse.

Reason

To prevent pollution of any watercourse in accordance with the Local plan and the NPPF.

09

Any ancillary car washing associated with the valeting (Use Class B1) hereby permitted shall be a hand wash only (with the exception of the hatched area marked X on the additional site plan received 22.01.2019 where a jet wash may be used).

Reason

In the interests of the amenities of the occupiers of nearby dwellings, pedestrians using the pavement along Rawmarsh Hill and in accordance with Local Plan Policy SP52 Pollution Control.

Informatives

01

The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and

Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required

POSITIVE AND PROACTIVE STATEMENT

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

To the Chairman and Members of the
PLANNING REGULATORY BOARD

Date 31 JANUARY 2019

Report of the Director of Planning and Regeneration Service

ITEM NO. SUBJECT

- | | |
|---|--|
| 1 | Proposed Tree Preservation Order No 4, 2018 – 3 The Crofts
Wickersley Rotherham S66 1NQ |
|---|--|

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
31 JANUARY 2019

Item 1

Proposed Tree Preservation Order No 4, 2018 – 3 The Crofts Wickersley Rotherham S66 1NQ



RECOMMENDATION:

That Members confirm the serving of Tree Preservation Order No. 4, 2018 without modification with regard to the Sycamore tree which is the subject of this report, situated on land at 3 The Crofts Wickersley under Section 198 and 201 of the Town and Country Planning Act 1990.

Background

This Sycamore tree was originally protected by Tree Preservation Order No.7, 1977.

An application (reference RB2013/0936) to fell this Sycamore tree was submitted by the owner of the property at 3 The Crofts due concerns over its safety, though the application was refused on 9 September 2013 as it was not considered at that time that there was insufficient justification to fell the tree.

A separate application to fell a tree at a different address but also covered by TPO No.7, 1977 was also refused and an appeal submitted. At this time it was discovered that the original confirmation of the TPO could not be located and the appeal was cancelled, thus allowing that tree to be felled.

Based on this a further application to fell the Sycamore tree at 3 The Crofts was submitted, this time by a neighbouring resident who had concerns about the safety of the tree (RB2018/1386). This application was also refused, once again as it was not considered that sufficient information had been submitted to justify the felling of the tree. An appeal against this refusal is still outstanding. Due to the uncertainty of the validity of the original TPO from 1977 the tree consultant employed by the Council at that time assessed the tree and found that it was still worthy of protection by a Tree Preservation Order.

A Tree Preservation Order was placed on the Sycamore tree under a new TPO (ref: No. 4 2018) on 31 October 2018 and all interested parties notified. The purpose of this report is to assess the objections received and determine whether the TPO should be confirmed or not.

The government's advice in the National Planning Practice Guidance (NPPG) states that,

"When deciding whether an Order is appropriate, authorities are advised to take into consideration,

- *what 'amenity' means in practice*
- *what to take into account when assessing amenity value*
- *what 'expedient' means in practice*
- *what trees can be protected and*
- *how they can be identified*

When granting planning permission authorities have a duty to ensure, whenever appropriate, that planning conditions are used to provide for tree preservation and planting. Orders should be made in respect of trees where it appears necessary in connection with the grant of permission".

Objections

Objections were subsequently received from the applicant and nearby neighbours.

Objections raised are on the following grounds –

- The applicant has raised concerns with regard to the process of evaluating the tree and the serving of the new Tree Preservation Order

- There has already been a precedent set by the tree in Pinchfield Holt which was felled when the confirmation order couldn't be found.
- There is strong support from all the residents for felling the tree
- The owner of the tree feels morally responsible for the safety of neighbours but is helpless given the Council's current position
- The tree is not native to the UK and as such has no local importance and cannot be seen from public roads.
- Disagree with the TEMPO rating of the tree due to the current defects
- The tree is far too large for the garden, and this residential setting, the branches overhang the driveway very close to the house
- The tree is unbalanced, unsightly and leans towards the house and could lead to the eventual toppling over of the tree and distance should be calculated.
- The roots are exposed on the opposite side of the lean these are in a small raised bed surrounded by a dry stone wall which has been rebuilt twice in the last ten years. This is a totally inappropriate location for this tree to be in this small
- Never witnessed any birds or wildlife nesting in the tree or using it as a haven, other trees in the area that may have been used for roosting bats have been felled.
- Strong winds bend the tree towards No. 1 the Crofts and the new houses to the rear and leads to fallen branches.
- Numerous requests to fell the tree have been denied with residents having expressed concerns regarding structural damage and loss of life if the tree collapsed
- The tree surveyor also noted that the tree had poor form
- The root spread especially during dry weather is also a concern with noticeable subsidence in the farm house.
- The tree casts shade onto the adjacent garden, undermining the growth of surrounding plants and trees and creating further problems regarding seedlings, leaves and sap.
- The tree has 'tar spot' which weakens the tree and also 'Sooty Bark disease' which is a fungus infection with numerous cracks in the tree, green mould and fungus.
- The tree also has canker that eroded into the tree on the opposite side of the lean causing further weakness.
- Surrounding neighbours are very anxious about the safety of the tree. Four years ago another tree fell on house 100 yds away no-one has acknowledged the residents safety concerns.
- Why is RMBC protecting a tree in a residential area away from the public eye but allowing buildings on green belt land
- Would be happy to contribute towards the planting of a new tree to replace this one.
- A tree with a TPO in Pinchfield Holt was felled earlier this year because the confirmation couldn't be found, the identical situation applies to this tree but we have been treated very differently.
- The tree was more than likely put under a TPO as it shielded the property from a small industrial site around the time the property was built, in that respect the TPO has served its purpose as the small industrial site is no longer there. The replacement with housing now some 41 years along from

the original TPO, means that the safety and welfare of the occupants of the housing should be viewed along with the issues pointed out in this objection.

- RMBC should not have allowed housing in such close proximity to this tree, given it's ability to grow to above 70m

Two Right to Speak requests have been received.

Comments from Tree Service Manager

The Tree Service Manager has considered the objections raised and has commented as follows:

“To confirm I inspected the tree on 17 January 2019. Unfortunately Mr and Mrs Hemmingway were not at home at the time. My inspection did not find anything that has led me to question the findings of the previous inspection by the Council's Arboricultural consultant.

Wickersley is a peri-urban town and the local streets around The Crofts are distinguished by the presence of large mature trees in gardens. Their presence helps to provide an arboreal feel to the area and provide a link to the neighbouring countryside.

Tree is too large for garden

Whilst the tree is becoming a tall tree, it stands in the very north east corner of the rear garden of 3 The Crofts, with approximately 60% of the canopy (as a result of pruning on the household side) over the neighbouring driveway. The remainder of the canopy spreads approximately 7 metres into the garden; however approximately 14 metres along the eastern boundary is not covered by the trees canopy. Indeed the tree only covers about 38m² of the garden, whilst approximately 190m² remains uncovered by the tree's canopy.

As the tree is stood in the northern extremity of the garden it will cast very little shade on the garden of 3 The Crofts; usually only during the height of summer during the first few hours of the morning. This is therefore not considered extreme.

There are no legal limits to the heights of trees; therefore discussion of whether a tree is too big comes down to personal preference rather than a basis in law. The tree's height helps to contribute to the amenity that it provides the area.

Tree overhangs driveway and close to house

There is no legal requirement to stop branches from crossing boundary lines. The tree's canopy has been managed so as to provide clearance of the neighbouring driveway and as such it does not restrict access.

As shown in photograph 15 of the objection by Ms Andrews of 7 Welbeck Mews, the tree is currently well clear of the neighbouring dwellings' roof lines in Welbeck Mews. If the tree's branches were to grow to such an extent that it would be foreseeable that they could come into contact with the houses then, if an application was submitted, permission would be provided to maintain clearance between the tree and the house.

This is common place with protected trees and depending on the situation permission to maintain clearance of distances between 1.5 and 3 metres are regularly given.

The tree's roots are exposed

An inspection by the tree consultant James Royston showed that he was unable to identify any roots showing above ground level. Nor was any comment provided to describe any signs of instability around the base of the tree.

Tree is not used by birds or wild animals

There is currently no bird or animal nest visible in the tree; however this does not mean that the tree is not used on a transitory basis by birds, bats or insects. Bats in particular will often use cracks in tree bark as a temporary shelter.

The objections provided also paint a different picture of the tree, with one stating that the tree does not even attract aphids, whilst a second details quite strongly that aphids are present and creating honeydew drip into their garden. Where aphids are their will be other insects who feed off them.

Strong winds have caused the branches to bend and some to fall from the tree

Trees have evolved to respond to the pressures placed on them by wind. As a result trees use their branches to dissipate the wind pressures through the shaking of the smaller branches, to create a mass damping effect on the wind energy. Without the movement of the branches then trees would not be able to withstand wind pressure to the level they do. It is appreciated that the bending of branches in strong winds can feel disconcerting but this is a natural reaction for the tree.

As trees are reactive organisms, they grow according to the environmental pressures placed on them. Therefore the movement caused by wind also encourages the tree to lay down stronger wood, to ensure that it is even more resistant to future wind pressures.

The assessment of the tree's canopy did not show any wounds of a significant size that would indicate the loss of medium to large branches from snapping out.

As with all living organisms there is a risk level associated with trees that can never be removed. Even healthy, structurally sound trees, if they are caught by a gust of wind at the wrong time will lose a branch. However injury/death or damage as a result of falling branches or trees is such a rarity that we must weigh up the enormous benefits trees provide to their environment when making decisions to remove healthy, structurally sound trees.

Concerns over damage should the tree fall

As with all mature trees adjacent infrastructure, should the tree fall, then it can't be denied that damage will be incurred; however healthy trees do not normally fall over.

To date no evidence has been provided by the applicant to show that the Sycamore is either unhealthy or is suffering from a significant structural problem that is undermining its integrity. Rotherham Metropolitan Borough Council has however inspected the tree using a professionally trained arboricultural professional and

found that there is no significant defect in the tree that it can foresee will lead to the tree's collapse.

Tree Surveyor noted the tree has poor form

The Tree Consultant did not state that the tree has poor form. In the tree consultant's TEMPO assessment of the tree he described the tree:

"Outwardly appears in good condition with reasonably good future prospects."

This resulted in a score of 5 out of 5 in section 1 a) of the form, which details a trees condition.

The tree consultant then went on to assign the tree a life expectancy of between 40-100 years. To foresee beyond this timescale, given the tree's semi urban location and that trees can usually be expected to live a shorter life in an urban environment, is the maximum that the consultant could realistically give and is therefore in no way a slight on the tree's health or structural condition.

Subsidence damage to neighbouring house

To date no evidence has been provided to prove that the tree has caused damage to one of the neighbouring houses/buildings. If evidence was provided then further consideration would be given to the tree's removal.

The level of information required to show that a tree is a cause of subsidence related damage is detailed on section 8 of the TPO application form.

Shade on neighbouring gardens undermining plant growth

There is no legal right to light in relation to vegetative growth; therefore it is recommended that any plants chosen for gardens affected by shade are species capable of tolerating shade.

The tree though has now been crown lifted quite high so that sun light would now be able to pass underneath the tree's canopy, if it was not for the evergreen shrubs that have been planted along the fence line of 3 The Crofts – see photograph 15 of Ms Andrew's objection.

Falling Leaves, seeds and sap

Falling leaves, seeds and sap under the current British legal system are not recognised as a nuisance and therefore not a reason to remove a tree. They are all considered natural processes and their removal (picking up leaves, removing seedlings, etc) is seen as normal maintenance of a person's property.

The tree has tar spots (Rhytisma acerinum) on its leaves, Ceratocystis platani, green mould and fungus and sooty bark disease (Cryptostroma corticale)

Tar spots – The fungal infection that causes tar spots on Sycamore leaves have very little effect on the tree's health. Infection can lead to some leaves falling early in the year but this is still usually a small number and late enough in the growing season that it has little to no effect on the tree's health.

Ceratocystis platani – This disease is limited to trees only in the genus Platanus. Sycamore is in the genus Acer, therefore the tree could not succumb to the disease Ceratocystis platani.

Sooty bark disease – No evidence has been provided to show that sooty bark disease is present on the tree and it has not been spotted by the arboricultural consultant who inspected the tree.

Green mould and fungus – No evidence of tree decay moulds or fungi has been presented or identified by the arboricultural consultant. The supplied photographs of the tree by the objectors to the TPO do show that the tree is colonised by a range of lichen. Whilst lichen is a form of fungus, it is not detrimental to a tree's health and is usually regarded as a sign of clean air.

Tree has cracks in it.

Where some trees will produce smooth bark, such as beech trees or ridged bark, such as oak or ash, sycamore trees produce a plated bark. This can create an appearance of cracks in the branches and trunk of the tree, particularly at branch forks where folding of the bark can give an even more pronounced look to 'cracks.'

No arboricultural evidence has been provided to show that cracks have been identified, investigated and shown to be significantly affecting the tree's structural integrity.

As already stated the tree's condition was rated as 5 out of 5 on its TEMPO analysis.

Tree's trunk has canker, weakening the tree.

The area of the tree identified as having canker was inspected by the arboricultural consultant who saw no reason why this would affect the tree's structural integrity.

Another tree fell nearby; this one may do the same.

It is impossible to comment on the reason why another tree may have fallen without being able to carry out a full inspection of the tree, however just because one tree fell over does not mean that will be the fate of this Sycamore.

As has already been stated, no evidence has been presented or found during inspection by an arboricultural professional that suggests this tree is in poor health or is suffering from significant structural failings.

RMBC protecting a tree in a residential area away from the public eye but allowing buildings on green belt land

Each planning application is assessed on an individual level against planning law and policies, with appropriate actions taken to meet the requirements of said law and policies.

Decisions to grant planning permissions on other sites have no bearing on the reduction in amenity that will be felt by the removal of a protected tree on another site.

The TPO application and subsequent appeal that led to the creation of this TPO was based on the fact that the tree's removal will lead to a loss of amenity to the local area.

A tree with a TPO in Pinchfield Holt was felled earlier this year because the confirmation couldn't be found, the identical situation applies to this tree but we have been treated very differently

This is not relevant to the consideration of the confirmation or not of the TPO relating to the Sycamore at 3 The Crofts.

Would be happy to contribute towards the planting of a new tree to replace this one. Whether a new tree can or cannot be planted in place of the existing tree is not relevant when considering whether to protect the tree in the first place. It would only be relevant if and when an application was submitted to fell the tree in question, which is not the issue in respect of this report.

There was an appeal in process so the TPO should not have been served.

There is nothing in the TPO legislation to stop a new TPO being created whilst an appeal to the Planning Inspectorate is in process.

The purpose of taking an appeal to the Planning Inspectorate is for them to make a judgement on trees protected by a TPO. A tree presented to the Planning Inspectorate without TPO documentation though will be judged by the Planning Inspectorate as not being protected and are likely to pass little judgement on the tree's amenity and worthiness for retention. The new TPO was served, therefore, as a precautionary approach in case the appeal was dismissed due to the lack of evidence that the original TPO had been confirmed.

The appeal, ultimately, is about the refusal to allow the tree's removal and not the absence of the original TPO documentation. Therefore by assessing the tree's health and amenity and showing it to be appropriate for inclusion in a TPO, the Council merely demonstrated to the Planning Inspectorate that the tree is still protected and that in the eyes of Rotherham Metropolitan Borough Council the tree is worthy of protection.

The making of the TPO would therefore not have any bearing on the Planning Inspectorate's decision process and whether they deem the tree to be worthy of protection.

Concerns over the tree's lean

It is not unusual for trees to grow with a lean. They often occur as a result from competition with other trees or structures at an early age. Leans only become a problem where they are progressing. Progressive leans can be identified by the lifting of the root plate or signs on the trunk's bark. Neither of these is present and no evidence has been provided to show that the lean is significantly worse.

There is no certificate of confirmation for the tree on the original TPO. This was the basis of us believing that the tree could be felled.

The old TPO no longer applies to this TPO or this objection process. The tree has been re-assessed and found to provide a good level of amenity and therefore worthy of protection.

The advice to submit an application to fell under the old TPO was intended to protect the owner from potential future prosecution should the original TPO documentation be found.

As an application to fell a protected tree requires proof of why the tree should be felled the application should have been supported with the necessary evidence. No evidence was provided and the tree was found to be healthy and structurally safe. The Application was therefore refused.

The Sycamore is not a native species

There is no requirement for a tree protected by a TPO to be a 'native' species.

Conclusion

It is considered that the objections to the Order have been carefully considered and that the Order has been made in accordance with Government guidelines. In this instance, it is recommended that the Order is confirmed without modification.

