

PLANNING REGULATORY BOARD

Date:- Thursday, 14 March 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 21st February, 2019 (herewith) (Pages 2 - 4)
6. Deferments/Site Visits (information attached) (Pages 5 - 6)
7. Development Proposals (herewith) (Pages 7 - 81)
8. Report of the Assistant Director of Planning Regeneration and Transport (herewith) (Pages 82 - 91)
9. Updates
10. Date of next meeting - Thursday, 4th April, 2019 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
Thursday, 21st February, 2019

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

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

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

79. DECLARATIONS OF INTEREST

Councillor Walsh declared a personal interest in Minute No. 84 (Proposed Tree Preservation Order No 3, 2018 - Land at Osborne House, 3 South Terrace, Moorgate Street, Rotherham) on the grounds that he was a patient of Osborne House Dental Surgery. He remained in the room, but did not speak or participate in the vote.

80. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 31st January, 2019, be approved as a correct record for signature by the Chairman.

81. DEFERMENTS/SITE VISITS (INFORMATION ATTACHED)

There were no site visits nor deferments recommended.

82. 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.

(2) That application RB2018/1118 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

83. PROPOSED TREE PRESERVATION ORDER NO 4, 2018 - 3 THE CROFTS, WICKERSLEY

Consideration was given to a report of the Assistant Director of Planning, Regeneration and Transport concerning the proposed confirmation and serving of a Tree Preservation Order 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.

The report detailed the various objections to the making of this Tree Preservation Order and also made reference to the tree's location, condition, the absence of the original TPO documentation and the original application to fell the tree (RB2013/0936), which was refused.

In accordance with the right to speak procedure, the following people attended the meeting and spoke about this proposed Order:-

Mrs. S. Ralph (Objector)

Ms. Andrews (Objector)

Mr. P. Hemmingway (Objector)

The report detailed the evaluation of Sycamore tree, using the TEMPO system (Tree Evaluation Method for Preservation Orders).

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

(2) That the serving of Tree Preservation Order No. 4, 2018, be confirmed 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.

84. PROPOSED TREE PRESERVATION ORDER NO 3, 2018 - LAND AT OSBORNE HOUSE, 3 SOUTH TERRACE, MOORGATE STREET, ROTHERHAM

Consideration was given to a report of the Assistant Director of Planning, Regeneration and Transport concerning the proposed confirmation and serving of a Tree Preservation Order without modification with regard to the Sycamore tree and 5 London Plane trees which were the subject of this report, situated on land at Osborne House, 3 South Terrace, Moorgate Street, Rotherham under Section 198 and 201 of the Town and Country Planning Act 1990.

The report detailed the various objections to the making of this Tree Preservation Order, the Tree Service Manager's considerations of the objections and also made reference to an application to fell the trees (RB2018/1288).

In accordance with the right to speak procedure, Mr. R. Atkinson (on behalf of himself and his wife, Mrs. C. Atkinson) (Objectors) attended the meeting and spoke about this proposed Order.

The report detailed the evaluation of the Sycamore tree and five London Plane trees, using the TEMPO system (Tree Evaluation Method for Preservation Orders).

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

PLANNING BOARD - 21/02/19

(2) That the serving of Tree Preservation Order No. 4, 2018, be confirmed without modification with regard to the Sycamore tree and 5 London Plane trees, the subject of this report, situated on land at Osborne House, 3 South Terrace, Moorgate Street, Rotherham under Section 198 and 201 of the Town and Country Planning Act 1990.

85. UPDATES

There were no updates to report.

86. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 14th March, 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 14 MARCH 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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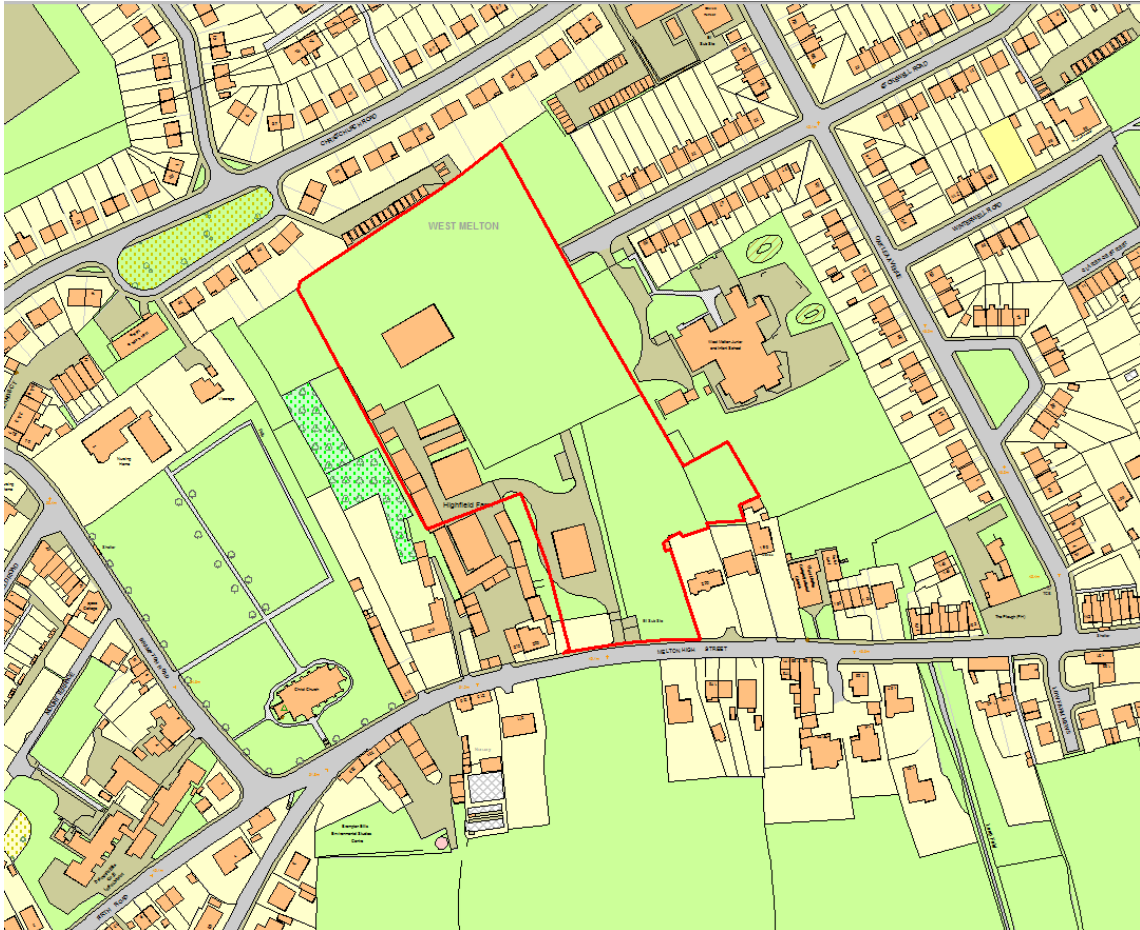
| | |
|--|----------------|
| <p>RB2018/0662 Demolition of existing buildings and erection of 66 No. dwellinghouses with access, parking, landscaping & other associated ancillary works at land off Melton High Street Wath-upon-Dearne for Persimmon Homes (West Yorkshire) Ltd</p> | <p>Page 8</p> |
| <p>RB2019/0037 Conversion of property to 10 No. bedroom HMO (Use Class Sui Generis) with new bay window to front at 15 Greasbrough Road Parkgate for Gold Man 80 Ltd</p> | <p>Page 36</p> |
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| <p>RB2019/0154 Application to vary condition No.02 (approved plans - substitution of the Langley housetypes for the Birch housetypes) imposed by Planning Application RB2017/1484 at Land north of Upper Wortley Road Thorpe Hesley for Jones Homes (Yorkshire) Ltd</p> | <p>Page 67</p> |

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 14 MARCH 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 | RB2018/0662 |
| Proposal and Location | Demolition of existing buildings and erection of 66 No. dwellinghouses with access, parking, landscaping & other associated ancillary works at Highfield Farm, Melton High Street, West Melton. |
| Recommendation | <p>Grant conditionally subject to :</p> <p>A) Legal Agreement for the purposes of securing the following:</p> <ul style="list-style-type: none"> - Provision on site of 6no. bungalows as Affordable housing at Plots 14, 15, 16 and 36, 37 and 38. - A commuted sum equating to 40% of the difference between the estimated open market value of 2 no. 2 bedroom properties at Plots 17 and 18 and 4no. 3 bedroom properties at plots 5, 6, 12 and 13 and the actual sales values achieved at the point of sale. - £500 per dwelling towards sustainable transport improvements. <p>B) Consequent upon securing such an agreement, the Council resolves to grant planning permission for the proposed development subject to the relevant conditions.</p> |

This application is being presented to Planning Board as it does not fall within the scheme of delegation being classed as a Major development.



Site Description & Location

This application site comprises of a part of the existing farm complex and associated paddock known as Highfield Farm.

The site lies on the northern side of Melton High Street between No. 200 and 214 and slopes up from the road to the north. An existing access road provides a vehicular access in to the existing paddocks. There were previously a number of modern farm buildings on site which have recently been demolished.

The existing farm complex comprises a farm house and a number of traditional farm buildings (which are Grade II Listed); these buildings are excluded from the application site and are proposed to be retained in their current form. To the east of these buildings is an area of open land and paddocks which included some modern portal framed style agricultural buildings.

The application site extends a considerable distance to the north and bounds existing residential properties and a garage site on Christ Church Road to the north and Stokewell Road and West Melton Primary School to the east.

No. 200 Melton High Street bounds the application site to the east and comprises of a large brick built detached property set back by a considerable distance from Melton High Street and at a slightly elevated position in relation to the highway. The existing area is predominantly residential and the properties on Melton High Street are a mixture of designs and styles. There are a number of traditional brick and stone built properties

together with some more modern developments. The Christ Church lies to the west of the application site. There is also an existing electricity sub station on the site frontage.

Background

RB2010/0965 - Subdivision of farmhouse to form 2 No. dwellings, conversion of barns to form 6 No. dwellings and erection of 22 No. two storey dwellings & associated garages – Withdrawn

RB2010/0970 - Outline application for the erection of 51 No. dwellings including details of access – Undetermined

RB2010/1427 - Erection of 19 No. two storey dwellinghouses (amendment to RB2010/0965) – Undetermined

RB2011/0809 - Conversion and alterations to farmhouse to form 2 No. dwellinghouses, conversion and alterations to existing barns to form 6 No. dwellinghouses, erection of 3 No. two storey dwellinghouses & associated garages and demolition of agricultural buildings – Withdrawn

RB2011/0810 - Listed Building Consent for the conversion and alterations to farmhouse to form 2 No. dwellinghouses, conversion and alterations to existing barns to form 6 No. dwellinghouses, erection of 3 No. two storey dwellinghouses and associated garages and demolition of agricultural buildings – Withdrawn

RB2012/1640 - Outline application for the demolition of existing redundant farm buildings & creation of residential development including details of access – Withdrawn

RB2013/1399 - Outline application for the demolition of existing (modern) farm buildings & creation of residential development at land at Highfield Farm Melton High Street Wath-upon-Deane - Undetermined

The development is Community Infrastructure Levy (CIL) liable. CIL is generally payable on the commencement of development though there are certain exemptions, such as for Affordable Housing. This scheme is a wholly affordable housing scheme and is therefore exempt from CIL.

Proposal

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

Planning Statement

The planning statement concludes that the principle of the development is established as a result of the site being allocated for residential development in the Local Plan and owing to a resolution to grant planning permission back in 2013 albeit with a legal agreement that has not been signed.

A series of technical reports have been produced to accompany the planning application to ensure compliance with relevant Core Strategy Policies. A viability appraisal has been produced which supports the contention that the inclusion of any affordable housing would render the scheme unviable.

A sustainable travel fund will be provided. A Community Infrastructure Levy (CIL) liability has been calculated based on the gross internal floorspace of the development.

Biodiversity Survey and Report

This Study identifies the existing habitats within the site, checks for evidence of protected species within the site, assesses the potential for protected species to be present in the area, identifies potential ecological impacts relating to the proposed works, identifies any requirements for further survey and proposes measures to avoid or reduce ecological impacts based on currently available design information.

Heritage Statement

This document concludes that:

“Designated and undesignated heritage assets have been identified within the wider setting of the site. Whilst some of the listed structures have high heritage value in themselves, they also contribute towards the local townscape value. The modern agricultural buildings to the north of Highfield Farm has harmed their immediate setting, altering their townscape value and significance. The proposed development will help improve this situation by removing these structures and bringing back an earlier built up agricultural ascetic. The development is likely to have an impact upon sub surface archaeological remains which may require further archaeological work to categorise them and assess their significance. A scheme of work would have to be developed with the agreement of the South Yorkshire Archaeological Service.”

Flood Risk Assessment

This report concludes that the site falls in Flood Zone 1 (low flood risk) and the proposals are considered to be ‘More Vulnerable’ in terms of flood risk.

The primary risk is to the site from overland surface water flooding during an extreme rainfall event. Mitigation measures are proposed which we consider will reduce the risk from this event down to an acceptable level.

The primary focus for flood risk assessment is to protect life, and then consideration should be given to buildings, contents, operation and reuse. As the scheme is progressed the design should consider exceedance and routing of flows away from the buildings.

This report has considered other potential sources of flooding to the site, including groundwater, fluvial, existing sewers, water mains and other artificial sources.

Overall, this report demonstrates that the flood risk to the site is reasonable and acceptable providing the mitigation measures detailed within Section 7 are incorporated into the design. This report also demonstrates that the site can be suitably drained, with the development being required to comply with the required standards. Suitably worded conditions can be applied to the granting of planning permission to control the delivery of the development in the usual manner.

Transport Assessment

This report has provided a commentary on the existing site and its conditions. It has demonstrated that the site is in a sustainable location which provides future residents with opportunities to travel via alternative modes of transport and minimise trips by the private car.

A travel plan has been produced which includes a Travel Plan Fund of £35,000 which will be used to encourage sustainable modes of transport.

The proposed site access arrangements and visibility splays have been design in accordance with Manual for Streets.

The internal layout has been designed to be suitable for adoption by the Local Planning Authority.

A swept path analysis has been undertaken which confirms from the internal layout is suitable to accommodate a large refuse vehicle.

A junction capacity assessment of the site access has been undertaken using industry standard software (PICADY in junction 9) for a design year of 2022. The capacity assessment demonstrates that traffic generated by the residential development can be adequately accommodated with sufficient spare capacity.

The level of traffic generated by the development is modest and will not result in a material impact on the wider highway network.

It is therefore concluded that there are no highway or transport related issues that prevent the proposed residential development from being granted planning consent.

Land Contamination Assessment

The report concludes that given the presence of existing buildings in the southwest of the site, a simple post-demolition trial pit investigation will be required in order to remove residual uncertainties with respect to ground and provide more definitive recommendations with respect to contamination and foundations.

Based on in situ testing, soakaways may provide a suitable means of surface water disposal at the site. Therefore monitoring wells should be installed across the site to determine groundwater levels over a 12 month period.

Further testing of stockpiled materials (most notably Made Ground topsoil) is recommended during the construction phase, to determine its suitability for re-use.

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 by the Council on the 27th June 2018.

The application site is allocated as a Residential Development site in the Local Plan (Site H43). For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS14 'Accessible Places and Managing Demand for Travel'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscape'
CS25 'Dealing with Flood Risk'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS33 'Presumption in Favour of Sustainable Development'
SP1 'Sites Allocated for Development'
SP11 'Development in Residential Areas'
SP32 'Green Infrastructure and Landscape'
SP33 'Conserving and Enhancing the Natural Environment'
SP37 'New and Improvements to Existing Greenspaces'
SP40 'Listed Buildings'
SP52 'Pollution Control'
SP55 'Design Principles'
SP56 'Car Parking Layout'

Other Material Considerations

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

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

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

The 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.

Consideration will also be had to the guidance detailed within the South Yorkshire Residential Design Guide and the Council's adopted Parking Standards.

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. Four letters have been received:

- Whilst we are aware that a traffic survey was conducted on Melton High Street, we remain concerned that Melton High Street is a main road which transverses a rural community with traffic travelling at speed;
- The increased traffic will impact on air quality which reduces life expectancy, mainly due to cardiovascular and respiratory diseases and lung cancer;
- As the proposed site is adjacent to a school, I urge that due consideration is given to the health of residents and pupils in the area. At the very least the local authority may wish to consider how it would finance potential litigation claims should it choose not to address such issues in the future.
- We are aware that the farmhouse and surrounding buildings are listed. It appears no consideration however, has been given to boundary walls which are of historical interest as they include previous gateways and nudge stones;
- We appreciate that provision of six single-storey dwellings has been made. If this is considered affordable housing however, it still appears to fall short of the local authorities 25% requirement. We would appreciate clarity, in terms of a concise or definitive explanation of what constitutes affordable housing. We consider that the erection of single-storey dwellings on plots 56-59 would show due consideration to existing residents. You would be welcome to view the proposed site from the rear of our property prior to any decision being made;
- Provision for Bin Storage may also require amendment given the change to the councils recycling policy, the number of bins being increased from three to four;
- Several plots appear to have no external access to and from rear gardens except through the property including plots 9, 10, 16, 18, 19, 37 and 53. Has due consideration been given to bin storage for these properties?
- There does not seem to be a need for more housing in the area in view of the number of properties currently on the market and the level of recent/current housing development;
- Any increase in traffic would be of further detriment to ours and a number of other properties that are situated close to the road. When these properties were built it would not have been envisaged that the road would become such a significant thoroughfare;
- The houses that front on to Melton High Street should be in keeping with the immediate area as has been the case with the old farm at 131 Melton High Street i.e. stone fronted. The High Street is a lovely part of our community and deserves to be kept that way.
- A previous survey showed cellars in the position of the new access which may make it unsuitable;
- The transport assessment is ridiculous, residents are aware of traffic speeds which exceed those shown in the survey and any increase in traffic along Melton High Street should be avoided;
- There is no explanation regarding the pumping station/soakaway arrangement for the site;
- The consideration of development of this site has been ongoing since 2010 which is detrimental to the peace of mind of local residents. The housing need in this time has changed and how many houses have been built since this development was originally proposed?
- There are vacant properties in the locality and there is no need for so many new houses;

- There are some affordable houses now proposed but this does not meet the requirements of the Planning Policy which requires 25% of dwellings to be affordable;
- The proposed bungalows could be more appropriately placed alongside existing dwellings to minimise the impact on existing properties.

Consultations

- RMBC Environmental Health – raise no objections to the proposed development
- RMBC Tree Services – raise no objection to the principle of this development; overall the impact on existing trees is minimal and it has the potential to provide net gains to tree coverage in the area
- RMBC Landscape Team – raise no objection to the submitted landscape masterplan however recommend a condition requiring the submission of specific planting details.
- RMBC Ecology - raise no objections to the proposed development subject to a condition requiring relevant mitigation to be carried out.
- RMBC Greenspaces – have acknowledged that the provision of open space on the amended layout has increased slightly and the presence of existing open space within 280 metres of the development, at West Melton Park, can be taken into account in assessing whether open space provision will be adequate. On that basis no objections are raised.
- RMBC Trees and Woodlands – raise no objections to the proposed development subject to conditions requiring the submission of a landscape scheme and details of how trees will be protected during the construction phases.
- RMBC Transportation Unit - raise no objections to the proposed development subject to appropriately worded conditions.
- Architectural Liaison Officer recommends that the scheme is accredited to Secured By Design Standards.
- SYAS have recommended a condition requiring the preparation and submission of a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation

Appraisal

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

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

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

The main considerations in the determination of the application are:

- The principle of development
- Design issues and Impact on Listed Building
- Impact on amenity
- Highway issues
- Trees and Landscaping
- Provision of Greenspace
- Ecology
- Drainage
- Affordable Housing
- Other considerations

Principle

The site is allocated as a residential development site within the Council's adopted Local Plan (site H43).

Local Plan Policy SP 1 relates to Sites Allocated for Development and states that:

"The sites set out in tables 2 to 6, and as shown on the Policies Map, are allocated for development and contribute to meeting requirements set out in the Core Strategy as follows:

- a. Residential use..."

On this basis, the principle of residential development of the site is considered to be established and is acceptable in line with the allocation in the Local Plan.

Chapter 5 'Site development guidelines' identifies specific key development principles for these sites, which should be taken into account in any proposed development. These are not exhaustive and development proposals must satisfy all other relevant planning policies.

More specifically, the Site Development Guidelines set out in the Sites and Policies document states that:

"Development proposals will need to be supported with a Heritage Statement for Archaeology prepared in line with the requirements for site classification 1 highlighted yellow in Table 17 'Heritage Statement for Archaeology Requirements'.

2. A Heritage Statement shall be submitted with any planning application to identify the significance of on and off-site historic heritage assets that may be affected, to assess the impact of development upon them and their settings, and identify appropriate mitigation.

3. Development proposals should retain and reuse the Listed Buildings at Highfield Farm. Proposals should ensure that the elements which contribute to the significance of these structures and the other heritage assets in its vicinity are appropriately conserved.

4. The existing stone wall to the roadside boundary shall be retained."

These specific criteria are dealt with in the remainder of this report.

Policy SP11 'Development in Residential Areas' states areas identified for residential shall be primarily retained for residential uses and all residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies. Accordingly, given the residential allocation of the site, the proposal would be compatible with the land use of the site and the adjoining, existing residential uses.

The NPPF specifies at paragraph 11 that decisions should apply a presumption in favour of sustainable development, which means "approving development proposals that accord with an up-to-date development plan without delay..." This is further supported by policy CS33 'Presumption in Favour of Sustainable Development'.

Paragraph 12 of the NPPF states: "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted..."

The remainder of the report will assess whether there is any reason which outweighs the presumption in favour of sustainable development.

Design Issues and Impact on Listed Building

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

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

The NPPF at paragraph 124 states: "Good design 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 127 states planning decisions should ensure developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting...establish or maintain a strong sense of place..."

Additionally, Local Plan 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. 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.

Policy SP55 'Design Principles' states development is required to be of high quality and incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions.

Policy SP40 relates to 'Listed Buildings' and states that:

"Development proposals affecting a Listed Building or its setting will be considered against the following principles:

- a. special regard will be given to the preservation of Listed Buildings and structures. Therefore substantial harm to or demolition of a Listed Building will be strongly resisted;
- b. the significance of a Listed Building can be harmed by unsympathetic extensions or alterations to its appearance, plan form or replacement of windows. Extensions and alterations to a Listed Building will only be considered acceptable where they relate sensitively to the Listed Building and preserve or enhance the special interest and significance;
- c. the Council encourages the development of good quality, contextual design, including any development within the setting of Listed Buildings. Development which has an adverse effect on the setting of Listed Buildings will not be acceptable;
- d. the best use for a Listed Building is usually that for which it was designed, however other uses may be considered acceptable provided they do not harm the significance of the Listed Building. Where significant alterations are required that potentially harm the Listed Building it will be necessary to demonstrate that the original use of the Listed Building is no longer viable or sustainable and that the proposed alterations are necessary to secure the long term survival of the Listed Building;
- e. the Council will support proposals and alterations to Listed Buildings in order to mitigate climate change only where such proposals respect the significance of the Listed Building and do not have an adverse impact on its appearance, character or historic fabric;
- f. the Council will take necessary measures to ensure that neglected Listed Buildings are appropriately repaired and / or reused;
- g. where appropriate, proposals will be supported which enhance or better reveal the significance of a Listed Building or structure."

The main issues in considering this proposal are the overall design of the residential development and whether this is of a high quality and appropriate design for the locality and secondly what impact the proposal will have upon on the adjacent Listed Building.

Firstly, the application site is within the settlement of West Melton where there are a range of architectural styles and due to the relatively extensive nature of the site, it does bound both the modern part of the settlement (to the north and east) and the more historic part (along Melton High Street). The architectural style surrounding the site therefore varies from stone and brick built dwellings consisting of a number of traditional style properties along Melton High Street which are interspersed with more modern dwellings (but still largely substantial properties). To the north are typically semi-detached, brick built local authority properties which form the more modern part of West Melton. In addition, the original Highfield Farm farmstead lies directly adjacent to the site (but outside of the site boundary) and the outbuildings which lie within the farm complex are Grade II Listed.

The proposed development typically consists of modern style dwellings which range from detached properties to town houses and also includes a number of bungalows

(which are proposed to be the affordable housing units on the site). The proposal sets to deliver a total of 66 dwellings comprising a mix of house types which include 2, 3 and 4 bedroom dwellings. This mix of house types is considered to provide a good housing range which is considered essential for the creation of a cohesive residential development. The site layout has been amended during the course of the application and it is now proposed to relocate the existing substation on the site frontage to within the site to allow for 4no. detached dwellings to be sited facing Melton High Street.

The site is slightly elevated in relation to Melton High Street and these properties will be prominent within the street scene. The proposed dwellings are set back from the site frontage and are stepped slightly in that those closer to the central access road are set slightly closer to the site frontage to sit more appropriately in relation to Highfield Farm house. The layout is considered to be appropriate for Melton High Street and will continue the urban grain along the road frontage in an appropriate manner. An area of landscaping along the site frontage will continue the suburban nature of the street.

The housetypes are proposed to be predominantly two storeys in height with some two and a half storeys dwellings. There are also 6no. bungalows within the development. The dwellings are exclusively brick built with regular fenestration and a modern style consisting of both eaves to the road and feature gable fronted properties and including architectural detailing such as feature heads and cills above the doors and windows. The neighbouring property at No. 200 Melton High Street is a traditional brick built dwelling set within a substantial plot, the other properties immediately adjacent (with the exception of Highfield Farm House) are brick built dwellings. The proposed materials are therefore considered to be appropriate in this location. In terms of the existing farm house, the access road into the site and adjacent landscaping will provide a visual break between the modern development and the more historic stone property. Whilst it is acknowledged that the proposal will introduce a more modern style of development into the street scene, it is considered that the siting of the frontage properties, being set back and the use of regular fenestration and architectural detailing will enable them to sit in an acceptable manner within the existing street scene.

Within the development site, the proposed house types include dual frontage where there is an aim of preventing blank elevations in prominent locations.

Whilst the house types are of a modern design, it is considered that they have been designed to respond to the site context. They are similar in scale to those found in the immediate area and arranged as detached, semi-detached and terraced units. They are considered to be traditional in appearance in terms of the elements such as regular window openings, styles and details being repeated across the range to provide some form of continuity. The proposed materials include brickwork and UPVC windows and composite front doors of a style which reflect those found in the immediate locality.

The dwellings meet the minimum standards for external amenity set out in the South Yorkshire Residential Design Guide.

With regards to the Listed Building which lies adjacent to the site, the proposed development will undoubtedly affect the setting of the building by virtue of the change in built form adjacent to the existing farmstead. The layout provides for a central road into the site and an area of landscaping to the west of the access road to provide for a separation between the new development and the Listed Building. The development

also proposes a new dry stone wall around the remaining original farm complex to provide an appropriate boundary with the Listed Buildings.

Overall, it is considered that the development makes efficient use of the land and that the density of development achieved is appropriate for this suburban part of Rotherham. The proposed materials, design and form of the proposed development is considered to be acceptable particularly bearing in mind the varied form of the surrounding area. Therefore, in conclusion it is considered that the proposed development accords with the above mentioned policies.

Impact on Amenity

Paragraph 127(f) of the NPPF states planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Overall, the minimum separation distances are achieved both to existing residential properties surrounding the site and within the site between the proposed residential properties. It is therefore considered that the development accords with the above mentioned policies and would not result in a materially detrimental impact to existing residents and will ensure a good standard of amenity for new residents.

Highway Issues

Paragraph 109 of the NPPF states: “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

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."

A transportation Assessment has been submitted in support of the application which has been audited by the Council's Transportation and Infrastructure Service. The findings of the Assessment are summarised as follows:

Trip Generation

In order to determine the likely traffic flow associated with the proposed development weekday person trip generation rates have been obtained from the TRICS database. Whilst these figures are drawn from TRICS, the site selection process has thrown up results which may underestimate the trip generation by up to 30%. This is based on car ownership and use patterns in the local area; therefore the number of peak hour trips quoted in the TA (29 am peak, 27 pm peak) is likely to be closer to 40 in each peak. However as the PICADY model shows the capacity of the junction is such that even a 30% increase in trips would not cause any problems at the new junction.

Traffic Impact

Melton High Street is moderately trafficked, carrying a two-way flow of around 650 vehicles per hour during the peak periods. It is obvious that without discounting the existing use trips generated by the potential existing use of the site, the peak hour additional trips would add about 6% to current traffic and as such cause no concern in traffic terms, as daily variation is generally around this level. The link capacity of Melton High Street is sufficient to cope with this minor increase in traffic.

Site Accesses

Access to the Site will be gained via a relocated access onto Melton High Street towards the southwestern corner of the development. The proposed access from Melton High Street will form the primary access to the development. A secondary pedestrian/cycle access will be provided to the northeast of the development connecting to Stokewell Road.

Pedestrian Accessibility and Public Transport

Pedestrian links in the area are good and access to local facilities is considered to be good. The Transport Assessment's claim that the site is accessible by public transport is accepted however no consideration has been given to the spare capacity of the services available.

Road Safety

Recent accident records show that there are no road safety issues in the vicinity of the site. While accident risk may increase with changes to the traffic flow characteristics or volumes, the potential increase in the vehicle trips generated by the development is unlikely to materially affect the road safety record on the local highway network

Travel Planning

The TA proposes that the applicant will appoint a Travel Plan Co-ordinator (TPC) for the development. The TPC role will be provided 1 month prior to first occupation and retained for a period of 3 years. The TPC will provide travel packs for each household as well as acting as a liaison point for communication with the Council. The TPC can be funded out of the £500 per dwelling secured through the s106 agreement. The remainder of the funding should be used for promotional activities for sustainable transport.

Based on the above, the content of the TA is accepted and the impact of the proposed development on the local highway network is considered to be acceptable.

Having regard to the proposed site layout, this complies with guidance / the principles of Manual for Streets and the South Yorkshire Residential Design Guide. Furthermore, on site car parking accords with the Council's minimum residential standards.

Taking all of the above into account, the Transportation Infrastructure Service has no objections to the granting of planning permission in a highways context subject to conditions. These include methods to improve sustainability, traffic calming measures, and road sectional details.

Having regard to all of the above, it is considered that the scheme is 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.

Trees and Landscaping

Policy CS21 'Landscape' states: "New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes..."

Policy SP32 'Green Infrastructure and Landscape' states: "The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development..."

The site was included in the Landscape Character Assessment work carried out in May 2012 as part of the evidence base to the Local Plan and was considered to be a site with low-medium sensitivity with medium-high capacity to accommodate development. It was also felt that a residential use would form a natural extension to the existing built form and wouldn't compromise any separation.

An attractive stone wall defines the southern boundary along Melton High Street with an existing vehicle access point for the farm and sub-station building and we welcome the applicants desire to retain this feature.

The site overlooks Green Belt situated to the south side of Melton High Street with the Dearne Green Infrastructure corridor located approximately 550m to the east. The Wentworth Parkland – fringes Landscape Character Area coincides with the Green Belt boundary. A number of public rights of way are in close proximity to the site (mainly to the south and east) and a number of small Urban Green Spaces of uncertain quality are within 400m of the site. It should be noted that access to and from the proposal site is

only currently shown from the east onto Stokewell Road and south onto Melton High Street.

Having regard to the above, the principle of developing the site for residential development has already been firmly established and on that basis, no major concerns with regard to the landscaping proposals are raised subject to the imposition of conditions restricting vegetation clearance and the submission of additional soft landscaping details.

It is acknowledged that there are some mature trees on and immediately adjacent to the site, nevertheless, the impact on existing trees is minimal and the development has the potential to provide net gains to tree coverage in the area. A planting scheme has been submitted in support of the application which shows the retention of trees just beyond the western boundary and the planting of new trees along the site frontage and adjacent to the new access road. The trees along the western boundary, to the rear of Plots 24-26 will have the potential to overshadow these rear gardens, however they are worthy of protection under a preservation order, therefore any future residents will need the prior approval of the Local Planning Authority to undertake any work to them and as such their retention will be protected. Furthermore the tree adjacent to Plot 23 is shown to be built within a section of an existing trees root protection area. No details have been provided to show how this tree will be protected or how the foundations will be created, therefore it is considered necessary to impose a condition requiring the submission of this information prior to development within that area

Having regard to all of the above, it is considered that the development is in accordance with the provisions of Policies CS21 and SP32.

Provision of Greenspace

Policy SP37 New and Improvements to Existing Green Space states that Residential development schemes of 36 dwellings or more shall provide 55 square metres of Green Space per dwelling on site to ensure that all new homes are:

- I. within 280 metres of a Green Space; and
- II. ideally within 840 metres of a Neighbourhood Green Space (as defined in the Rotherham Green Space Strategy 2010); and
- III. within 400 metres of an equipped play area.

Having regard to the above, approximately 1,703m² of open space is provided on site which falls significantly short of the requirement as set out in Policy SP37 which would equate to a total need of 3.630m². Nevertheless, the site lies within 280m of West Melton Park which provides an existing green space facility. Accordingly it is considered that the combination of on site provision together with the proximity to an existing area of green space ensures that the proposed development satisfies the requirements of Policy SP37.

Ecology

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."*

Having regard to the above, an Ecology Report has been submitted in support of the application, the aim of the study is to identify the existing habitats within the site, check for evidence of protected species on site and within the wider area, identify potential ecological impacts relating to the proposed works and propose measures to avoid or reduce ecological impacts based on available information.

The report concludes that there are three Local Wildlife Sites situated within 2km of the Site, the closest of which is Flatts Valley LWS; 350m south east of the site. The proposed development will result in the loss of semi-improved grassland, scrub, tall ruderal and Buildings 1 and 3-7. As none of these habitats have any intrinsic value for biodiversity, there is not considered to be a significant impact beyond the immediate context of the site

The northern boundary vegetation will be retained but trimmed back under the development proposals. It is recommended that this boundary is also enhanced with new native planting for the benefit of associated fauna such as bats and badger. This measure will also provide linear connectivity between the habitats in the churchyard to the west and the land beyond the site to the north east.

No evidence of badger activity was recorded on the site during the survey visit. The scrub on the site is considered suitable for badger sett creation and the semi-improved grassland and tall ruderal vegetation are considered to be suitable for foraging badgers. The scrub, tall ruderal vegetation and semi-improved grassland will be removed as part of the development proposals. This will result in the loss of available habitat suitable for use by badger. Due to the highly mobile nature of badgers and the presence of suitable habitat on the Site, it is recommended that the scrub is cleared under the supervision of an ecologist. The northern boundary vegetation will be retained as part of the proposed development plans. Enhancing this boundary with native berry/fruit bearing plants will provide a food source for badgers.

Having regard to bats, no evidence of roosting bats was identified during the survey and none of the buildings within the Site (Buildings B1, B3-B7 and B10) are considered to have any potential for roosting bats. Two ash trees with bat roosting potential are present to the south eastern corner of the site and two sycamore and two beech trees with bat roosting potential are present just outside of the northern end of the western boundary. These trees are proposed to be retained as part of the proposals and will therefore no impact upon bat roosting.

No evidence of nesting birds was identified on the Site. The presence of birds' nests was identified within Building 6 and swallows were witnessed flying into the building during bat surveys. Habitats suitable for nesting birds are present on the Site in the form of the scrub and boundary trees. The buildings on site are also considered to be suitable for some bird species such as swifts, which are known to be present in the area. The scrub, buildings and some of the boundary trees will be removed to facilitate the development. Without mitigation, the removal of habitats suitable for nesting birds could have an adverse impact on active nests and any eggs, chicks or adult birds present, if work affecting these habitats is carried out during the breeding bird season. It is recommended that, where possible, any work affecting buildings, trees or scrub is therefore carried out between September and February, in order to avoid the bird breeding season.

Having regard to all of the above, the Council's Ecologist raises no objections to the proposed development subject to suitably worded conditions requiring the implementation of the recommendations outlined above. The development is therefore considered to comply with the requirements of Policy CS20.

Drainage

Policy CS25 'Dealing with Flood Risk' states: "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."

Policy SP47 'Understanding and Managing Flood Risk and Drainage' states: "The Council will expect proposals to:

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

A Flood Risk Assessment has been submitted in support of the application which confirms that the site falls within Flood Zone 1 (low flood risk). No works are proposed which would suggest that flooding will be made worse on adjacent land as a result of the development. The report also demonstrates that the site can be suitably drained, with the development being required to comply with the required standards. In this regard there are 2 possible surface water schemes proposed within the application:

- I. An infiltration solution as shown on the Engineering Feasibility Drawing ENG-EF-01-A. and

2 Attenuation and discharge to public sewer as proposed as an alternative in Technical Note 001 – Drainage Proposals.

The Council's drainage engineer has assessed the proposals and has confirmed that the site investigation indicates that disposal of surface water by infiltration may be possible on this site. Nevertheless a condition would be required to secure the details of the drainage proposal prior to the construction of any roads or dwellings. On this basis, no objections are raised and the application is considered to comply with the requirements of Policies CS25 and SP47.

Affordable Housing

Core Strategy Policy CS7 'Housing Mix and Affordability' states that on sites of 15 or more dwellings, 25% affordable housing should be provided on site.

A request for 25% Affordable Housing is therefore considered to be justified and evidenced through the NPPF and IPS on Affordable Housing, however, a viability appraisal has been submitted with the application specifically relating to Affordable Housing and this has been tested independently.

The viability appraisal states that the scheme is viable at a rate of 18% affordable housing and the first point to note is that the amended layout now makes provision for 6no. bungalows on the site which are in the place of approximately 12 two storey properties. This is therefore considered to equate to an on-site affordable housing contribution of 18% of the total number of dwellings. The affordable housing officer has also commented that there is a lack of bungalow provision in the Wath, West Melton and Brampton area and this will meet an identified need for a specific housing type.

However, there remains a discrepancy in terms of the remainder of the full contribution of affordable housing (7%). The applicant states that the scheme only becomes viable at an affordable housing rate of 18% however, the discrepancy relates primarily to the quoted sales values of the completed dwellings. Evidence has been provided by both the applicant and the Local Planning Authority in terms of the average sales values of house types in this part of the Borough but the two parties are unable to reach an agreed value. Therefore, there will be an additional commuted sum overage payment applicable for any rises in sales values from those quoted in the applicants' viability appraisal and the actual sales value when an identified 5 further properties are sold. The Section 106 Agreement therefore makes provision for a payment of 40% of the uplift in sales on 5 specific plots on the site over and above the quoted sales value in the applicants' viability appraisal.

Conclusion

Having regard to the above, it is considered that the proposed development would represent an acceptable and appropriate form of development on this sustainable site that would be in compliance with the requirements set out in the Local Plan and the NPPF. As such, subject to the signing of the Section 106 Agreement, in respect of the matter of affordable housing and sustainable transport, it is recommended that planning permission be granted subject to conditions.

Conditions

General

01

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

Reason

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

02

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

- Overall Planning Layout Ref: HFWM-2017-01G

- The Alnwick (Village) Ref: AN-WD16 Rev L
- Hanbury (Village) Ref: HB-WD16 Rev W
- Rufford (Village) Ref: RF-WD16 Rev X
- Hatfield (Village) Ref: HT-WD16 Rev U
- Lumley (Village) Ref: LY-WD16 Rev R
- Kendal (Village) Ref: KL-WD16 Rev H
- Roseberry (Village) Ref: RS-WD16 Rev U
- Souter (Village) Ref: SU-WD16 Rev Y
- Winster (Village) Ref: WS-WD16 Rev W
- Chedworth Ref: CD-WD10 Rev T
- Clayton Corner(Village) Ref: CCA-WD16 Rev L
- Willow (Village) ref: HFWM-WL-WD01 (WY)

- Single/Double Garage (Standard and 6x3) Ref: HWM-SGD-01
- Boundary Treatments plan ref: 431-BOUND-01
- Dry Stone Walling Ref: Ref: 0503-LPC-01
- Bin Store detail ref: DN-2011-100

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.

Landscape/Ecology

04

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

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

05

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.

06

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

Reason

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

07

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method

Statement) for the protection of existing trees and hedgerows has been submitted and its installation on site has been approved in writing by the Local Planning Authority.

All protection measures must fully detail each phase of the development process taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

- Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837, with tree works proposals. All trees must be plotted on a site plan, clearly and accurately depicting trunk locations, root protection areas and canopy spreads.
- A plan** detailing all trees and hedgerows planned for retention and removal.
- A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
- Soil assessments/survey
- Timing and phasing of works
- Site specific demolition and hard surface removal specifications
- Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
- Access arrangements and car parking
- Level changes
- Landscaping proposals
- A Tree protection plan in accordance with BS5837 detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
- Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change in accordance with Rotherham's Core Strategy Policies CS3: Location of New Development, CS19: Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape, Policy CS28 Sustainable Design.

08

The development hereby approved shall be constructed in accordance with a suitable Tree Monitoring Program.

(a) Prior to the commencement of development (including ground works and site clearance), the following shall be submitted to and approved by the Local Planning Authority:

A tree monitoring program to include:

- Confirmation of who shall be the lead arboriculturalist for the development.
- Confirmation of the Site Manager, key personnel, their key responsibilities and contact details.
- Details of induction procedures for all personnel in relation to Arboricultural matters.
- A detailed timetable of events for arboricultural supervision concerning all tree protection measures within the approved Tree Protection Plan, including:
 - o Prestart meeting with an Rotherham Council Tree Officer
 - o Initial implementation/installation of the tree protection measures
 - o Approved incursions in to construction exclusion zones
 - o Final removal of the tree protection measures
- Procedures for dealing with non-approved incursions into the construction exclusion zones as detailed in the approved Arboricultural Method Statement .

(b) Within three months of first use of the development hereby approved, a report containing the following details shall be submitted to and approved by the Local Planning Authority:

- Results of each site visit by the lead arboriculturist with photos attached.
- Assessment of the retained and planted trees including any necessary remedial action as a result of damage incurred during construction.

Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change in accordance with Rotherham's Core Strategy Policies CS3: Location of New Development, CS19: Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape, Policy CS28 Sustainable Design.

09

A suitable scheme of proposed tree planting and pits shall be submitted to and approved by the Local Planning Authority prior to the first use of the development hereby approved. The scheme shall include the following comprehensive details of all trees to be planted:

- Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.
- Locations of all proposed species.
- Comprehensive details of ground/tree pit preparation to include:
 - o Plans detailing adequate soil volume provision to allow the tree to grow to maturity
 - o Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future
 - o Staking/tying method(s).
 - o Five year post planting maintenance and inspection schedule.

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree/s of the same size, species and quality as previously approved.

Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change in accordance with Rotherham's Core Strategy Policies CS3: Location of New Development, CS19: Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape, Policy CS28 Sustainable Design.

10

Prior to the construction of Plot 23 details of the foundations shall be submitted to and approved in writing by the Local Planning Authority. These details shall ensure that the roots associated with Tree T21 are unaffected by the development.

Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change in accordance with Rotherham's Core Strategy Policies CS3: Location of New Development, CS19: Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape, Policy CS28 Sustainable Design.

Drainage

11

Construction of roads or dwellings 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 greenfield rates (i.e. maximum of 5 litres/second/Ha);
- 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.

12

Construction of roads or dwellings shall not begin until 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, has been 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.

13

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason

In the interest of satisfactory and sustainable drainage

14

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to the means by which the discharge rate shall be restricted to a maximum rate of 3 litres per second.

Reason

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

Environmental Health

15

Prior to the commencement of development a report from a specialist noise consultant or suitably qualified person, to assess the impact of existing noise sources within the locality on the proposed residential properties shall be submitted to and approved in writing by the Local Planning Authority. The report shall be conducted in accordance with BS4142:2014 and the development shall thereafter be carried out in accordance with the approved details.

Reason

In the interests of the amenity of nearby residents and in accordance with Policy CS27 'Community Health and Safety

16

Prior to construction, in line with Section 16.9.1 of the Lithos Geoenvironmental Appraisal 2696/1, upon demolition of existing buildings, additional intrusive works shall be undertaken to assess ground contamination beneath the footprint of those buildings. The sampling results shall be incorporated into the existing conceptual site mode. A finalised remediation strategy shall then be submitted to the local planning authority for 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.

Transportation

17

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

Reason

In the interests of highway safety and residential amenity

18

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

19

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

Reason

In the interest of highway safety

Archaeology

20

Part A (pre-commencement)

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

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

Part B (pre-occupation/use)

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

Reason:

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

Informatives

01

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.

02

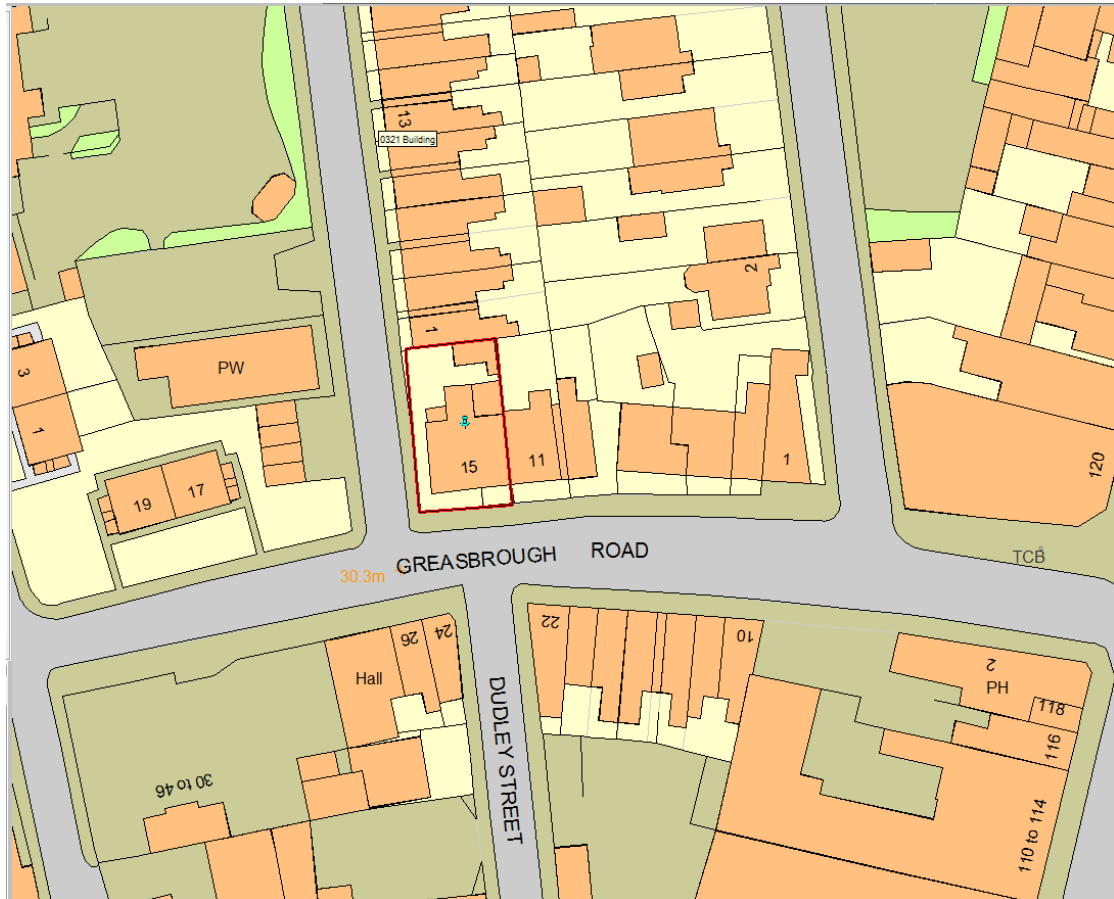
There shall be no burning of any waste items including green waste on the application site at any time. The disposal of refuse by burning is an offence unless carried on under, and in accordance with, a waste management licence issued by the Environment Agency. All waste shall be removed by a licensed carrier and the relevant paperwork sought and retained. This is a legal requirement. If you are permitted to have bonfires, you must ensure that any smoke produced does not cause a nuisance to neighbours. If a nuisance is witnessed, or if it is likely to occur, then Neighbourhood Enforcement would be required to serve an Abatement Notice upon you, prohibiting any further smoke nuisance. Failure to comply with an Abatement Notice without reasonable excuse is an offence.

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 | RB2019/0037 |
| Proposal and Location | Conversion of property to 1 x 10 bedroom House in Multiple Occupation (HMO) with new bay window to front, 15 Greasbrough Road, Parkgate |
| Recommendation | Grant subject to conditions |

This application is being presented to Planning Board as more than 5 objections have been received against the proposal and the application cannot be determined under Delegated Powers as indicated within the Scheme of Delegation.



Site Description & Location

The site comprises of a large end terraced property that lies on the northern part of Greasbrough Street at the junction of Ashwood Road, close to the town centre of Parkgate. At some point in the past nos. 13 and 15 have merged into a single address, though there are two doors along the Greasbrough Road frontage.

The surrounding area is predominantly residential, particularly to the north and west of the site and becomes more commercial to the south and east of the site.

The site is considered edge-of-centre being located approximately 50m west of the main shopping street of Parkgate.

Background

The property has the following planning history:

RB2016/0566 – Change of use to 9 No. studio apartments and HMO & erection of single storey rear extension – refused

RB2016/1525 – Change of use to 2 No. houses in multiple occupation (HMOs) (use class C4) – granted

RB2018/1444 – Conversion of property to 1 x 9 bedroom HMO (Use Class Sui Generis) with new bay window to front – granted

Proposal

The application is for the conversion of property to 1 x 10 bedroom HMO (Use Class Sui Generis) with new bay window to front.

The only difference between this proposal and RB2018/1444 is the creation of an additional bedroom from 9 to 10 rooms in the eastern section of the existing attic area and will not involve any external changes to the property.

The overall internal spacing of the HMO is well in excess of 100sqm. The individual bedrooms are between 12sqm to 26sqm. The bedrooms have en-suite toilets/showers but are too small to be used as self-contained independent units. The property will have a communal kitchen and living room at ground floor level.

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

Core Strategy policy(s):
CS3 Location of New Development
CS28 'Sustainable Design'

Sites and Policies
SP11 Development in Residential Areas
SP55 Design Principles

Other Material Considerations

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

National Planning Policy Framework: The 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 site notice (11 January 2019) along with individual neighbour notification letters to adjacent properties (07 January 2019). Six letter of representation has been received and can be summarised as follows:

- Impact on road safety and an increase in illegal on street parking.
- Insufficient parking availability in the area. Up to 10 additional cars could park here.
- The house is close to an infant and junior school and there will be no control over who are living in these bedsits.
- The property appears to already be under development for this conversion to which tradesman are already parking poorly in the surrounding area.

Consultations

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

Neighbourhoods (Environmental Health) – no objections

Drainage Maintenance – no objections

Appraisal

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

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

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

The main considerations of the application are as follows:

- Principle of conversion into a HMO
- Impact on the surroundings
- Design, appearance and conformity with the SYRDG
- Impact on highway safety
- Other issues

Principle of change of use

Local Plan Policy SP11 Development in Residential Areas indicates that “Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies. Non-residential uses will be considered in light of the need to maintain the housing land supply and create sustainable communities, and normally only permitted where they:

- a. are ancillary and complementary to the residential nature and function of the area; and
- b. are no larger than is required to meet the needs of local residents; and
- c. will not have an unacceptable impact on the residential amenity of the area; and
- d. demonstrate how they will be of benefit to the health and well-being of the local population..” There are no recent planning permissions granted for this type of accommodation within 400 metres of the site.

The principle of this development has already been established by the granting of the previous planning application (RB2018/1444). During the consideration of that application it was not considered that there is a concentration of HMO’s or subdivision of flats in this area. The predominant character of the surroundings is for residential properties.

It is therefore considered that the principle of a HMO is acceptable.

Impact on the surrounding uses

There are residential properties around the site in an established residential estate. In terms of noise and disturbance, the HMO is likely to generate an increase in the number of individual trips to and from the property. However, in this edge-of-centre location on a classified road, the property is away from the quieter residential areas to the north and west and is not considered to have any significant material harm than the current use for a single dwelling.

In addition, as this proposal is only increasing the number of bedrooms at the property from 9 to 10 the proposal would not have an adverse effect on the amenity of neighbouring residents and would be in full compliance with paragraph 127 of the NPPF and Sites and Policies SP11 Development in Residential Areas and SP55 Design Principles.

Design, appearance and conformity with the SYRDG

As per the previous application for a 9 bedroomed HMO the main external changes to the building include a new bay window in the front elevation of the building to replace and existing doorway and a new window to the rear. These changes are considered to be small and would not materially alter the character or appearance of the existing building. The alterations do not result in any loss of privacy to any occupiers of neighbouring properties.

Accordingly, the external alterations are acceptable and in full compliance with the advice in the the NPPF and policy CS28 ‘Sustainable Design’.

In terms of internal floorspace there are no minimum standards recommended by the South Yorkshire Residential Design Guide for HMOs nor do the Council have any

adopted guidance. However, the SYRDG recommends bedrooms within a house to be a minimum of 7sqm. The bedrooms proposed here are of varying sizes ranging from between 12 sq. metres and 26 sq. metres and are substantially above the minimum guidance. The shared kitchen/dining/living room is 39sqm which is in excess of the recommended size of 30sqm for more than 4people.

It is therefore considered that the internal spaces proposed are of an acceptable size for this type of accommodation. The communal areas will provide a sizeable space for residents to use, which would ensure the proposal would not create poor living conditions. There is a rear yard, which is approximately 80sqm in size. Although this is hard surfaced and may not always be fully available for residents to use, it is considered that this would be acceptable for the type of accommodation proposed. Again there is no minimum standards specially for HMOs in respect of amenity space, but this exceeds the general minimum standard of 60sqm for a typical residential property.

Impact on highway safety

A number of the objections received indicate that the area suffers from a car parking shortage and there is currently widespread on street parking.

The Council's Transportation Unit have indicated that some on site car parking is to be retained and that subject to the imposition of previously approved conditions, there are no objections to the creation of 10 no. bedrooms.

Therefore, subject to conditions requiring the applicant to provide details of how they intend to promote sustainable transport modes the proposal is not considered to give rise to any further highway issues. The site is also considered to be in a sustainable location.

Other issues

A number of the objectors refer to the character and motives of future occupiers of the HMO but this is not a planning consideration and has not been given any weight in the determination of this application.

Conclusion

Having regard to the above, it is concluded that the principle of converting this dwelling into a House in Multiple Occupation is acceptable and would not have a detrimental or significant adverse impact on the host property, the amenity of neighbouring residents, the surrounding area or the adjacent highway network. Accordingly, for the reasons detailed in this report the application 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) Location Plan, block plan, elevations and floor plans MS/098/18-01 received 07 January 2019.

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason

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

04

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.

05

Prior to the development hereby approved being first occupied, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

Informatives

01

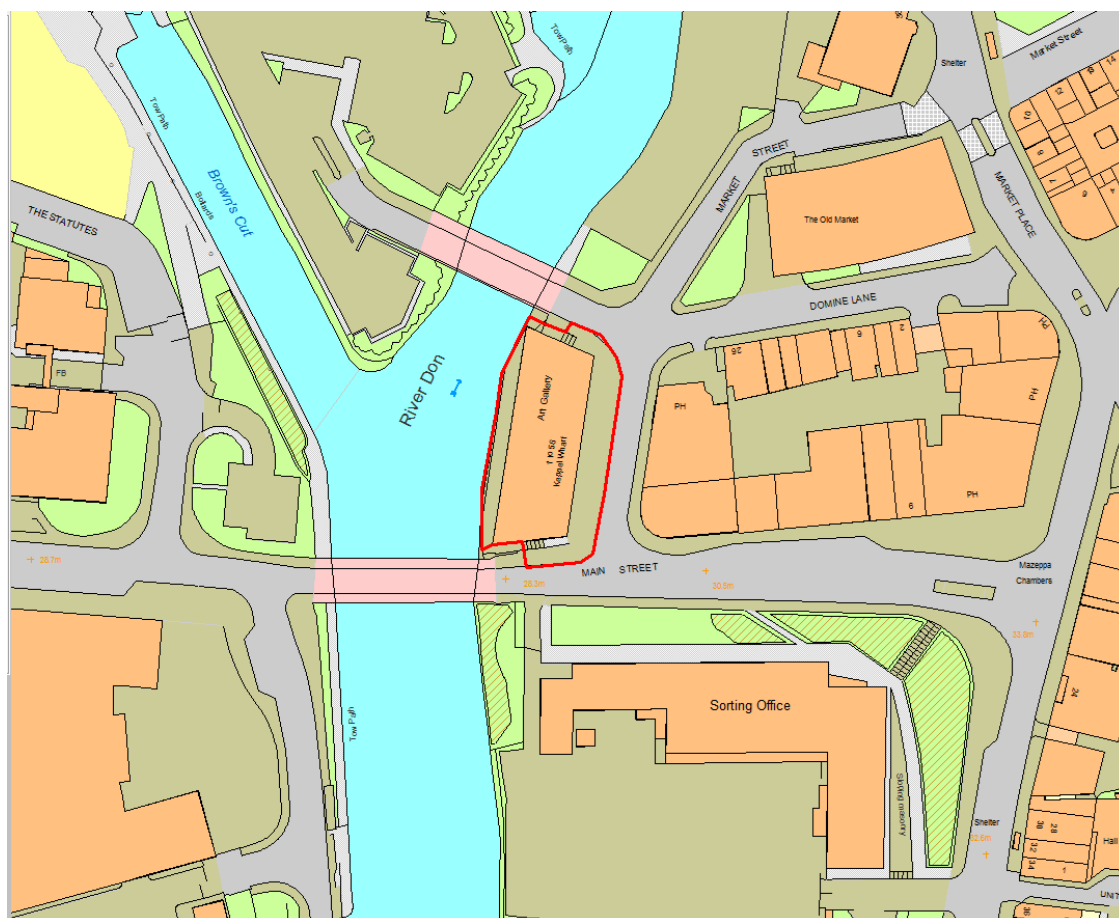
The applicant is reminded to obtain any relevant license from the Environmental Health department for the HMO, which is separate to the planning process.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.

| | |
|------------------------------|---|
| Application Number | RB2019/0044 |
| Proposal and Location | Change of use of commercial units to create 13 residential units at Keppel Wharf, Market Street, Rotherham Town Centre, S60 1NU for Mr Steve Wright |
| Recommendation | <p>A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • A commuted sum of £1,700 towards off-site Affordable Housing <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the following conditions:</p> |

This application is being presented to Planning Board in line with the Council's Scheme of Delegation



Site Description & Location

The application site is located within Rotherham town centre and comprises of a five-storey modern building constructed of glazed curtain walls and cladding systems, sited

at the junction of Main Street and Market Street. The building sits on the eastern bank of the River Don.

The building comprises of a vacant retail unit at ground floor, a large open plan commercial space at upper ground floor and mezzanine level and residential units over the upper floors. The large commercial space has been vacant since its construction in the mid-2000s, apart from a short time as a temporary arts space. The small retail unit was previously a Healthy Food Shop but has been vacant for over a year.

To the north-west of the site is the Forge Island development site. To the east is the Westgate Chambers building which is currently being converted to commercial at ground floor and residential above. To the south across Main Street is the Royal Mail Sorting Office.

Background

There has been a number of applications submitted relating to this site. The most relevant of which are:

RB2006/0529 – Outline application for redevelopment of sites for A1 (shops), A2 (financial & professional), A3 (restaurants & cafes), A4 (drinking establishments), A5 (hot food takeaways), B1 offices and residential with associated public realm works and works to the river wall – Granted conditionally

RB2006/1509 – Details of the erection of a six storey building comprising basement car park, ground floor commercial use (use class A1, A2, A3, A4, and A5) and residential at first, second, third, fourth and fifth floors (53 apartments in total) (reserved by outline RB2006/0529) – Granted conditionally

CIL

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

Proposal

The application is seeking permission to convert the ground floor, upper ground and Mezzanine level into 13 residential apartments with the introduction of a bed deck to the upper ground floor.

The proposal will reconfigure the existing commercial space into 8 x 2 bed apartments; 4 x 1 bed apartments and 1 x 1 bed studio apartment, 9 of which will be accommodated over 2 floors.

The appearance of the building will be largely unaltered, at ground floor, upper ground and mezzanine level new glazed openings and opaque glazing will be introduced to match the existing aesthetic of the building.

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

Design and Access Statement

The statement provides details on the site and the proposal.

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 by the Council on the 27th June 2018.

The application site is allocated for retail purposes in the Local Plan, (and also falls within the Rotherham Town Centre Conservation Area). For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS7 'Housing Mix and Affordability'
CS12 'Managing Change in Rotherham's Retail and Service Centres'
CS13 'Transforming Rotherham Town Centre'
CS25 'Dealing with Flood Risk'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
SP19 'Development Within Town, District and Local Centres'
SP52 'Pollution Control'
SP55 'Design Principles'

Other Material Considerations

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.

Regard will also be had to the requirements of the South Yorkshire Residential Design Guide.

Publicity

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

Consultations

RMBC – Transportation Infrastructure Service: Have no objections subject to conditions.

RMBC – Environmental Health Services: Have no objections.

RMBC – Affordable Housing: Have no objections, but a commuted sum would be required towards off-site affordable housing provision for the increase in floor space.

RMBC – Drainage: Have no objections.

RMBC – Education: No education contribution required.

Canal & River Trust: Have no objections.

Rotherham NHS: Have no objections.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle
- Design
- General Amenity
- Drainage
- Highways
- Affordable Housing

Principle

The site is located within the town centre but sits outside of the primary and secondary shopping frontages. Therefore the main consideration in terms of town centre is outlined within policy SP19 'Development Within Town, District and Local Centres'.

Part 2 of SP19 states within Town, District and Local shopping centres but outside of Main Shopping Areas, development proposals for dwellinghouses will be acceptable in principle subject to meeting the requirements of other relevant planning policies.

Further to the above policy CS13 'Transforming Rotherham Town Centre' states the Council will seek to promote sustainable urban living.

Therefore with regard to the above, the proposed development is considered acceptable in principle, subject to meeting other relevant policy requirements.

Design

Paragraph 124 of the NPPF states good design is a key aspect of sustainable development. Paragraph 127 states decisions should ensure that developments are visually attractive as a result of good architecture and layout.

Policy CS28 'Sustainable Design' states development proposals should be responsive to their context and be visually attractive as a result of good architecture. Furthermore, design should take all opportunities to improve the character and quality of an area and the way it functions. In addition, policy SP55 'Design Principles' requires development to be of high quality, incorporate inclusive design principles, create decent living environments and positively contribute to the local character and distinctiveness of an area and the way it functions.

The application proposes only minor alterations to the external appearance of the building, which will mainly be centred on the ground and upper ground floor level and include sections of opaque glass panels, metal railings, louvers and clear glass panels on all four elevations. The works proposed will blend into and complement the existing fabric of the building.

Accordingly, the proposed external alterations are considered appropriate to the character and appearance of the building and would not significantly alter the glazed, modern building. As such the external works proposed would comply with the requirements of the NPPF at paragraphs 124 and 127 and Local Plan policies CS28 'Sustainable Design' and SP55 'Design Principles'.

General amenity

The NPPF at paragraph 127 states developments should create a high standard of amenity for existing and future users. In addition NPPF paragraph 180 states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

Policy CS27 'Community Health and Safety' states new development should be appropriate and suitable for its location, by considering, amongst other factors, the impact of existing sources of pollution and the potential for remedial measures to address problems of contamination. Policy SP52 'Pollution Control' states development proposal that are likely to be exposed to pollution will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect amenity.

In respect of the proposed introduction of residential apartments into the lower floors of the building, whilst they would be adjacent to commercial premises, it is considered that there would no significant loss of amenity by virtue of noise, air quality or general disturbance to future residents of the apartments from neighbouring uses. Furthermore, the proposed use would not impact negatively on the amenity of existing surrounding users.

In addition to the above and with respect to the amenity of the future residents, it is noted that the internal room size standards of the South Yorkshire Residential Design Guide will be fully complied with in all 13 proposed apartments.

Therefore, with regard to the above it is considered that the proposed development would not adversely affect the amenity of future residents of the proposed apartments or the amenity of existing neighbouring occupants.

Drainage

The site sits just outside a Flood Zone and given the ground floor and upper ground floor are above ground level due to the original building being constructed with undercroft parking. The proposed residential units are unlikely to be at risk of flooding in the future.

Highways

The proposal does not propose any additional car parking to that sited in the undercroft parking. However, given the town centre location of the site and its close proximity to the bus interchange and railway station the site is within a sustainable location.

Notwithstanding the above the Council's Transportation Infrastructure Service has recommended a condition requiring the applicant to submit details how the use of sustainable / public transport will be encouraged.

Affordable Housing

The application is for the introduction of 13 apartments into the existing building, policy CS7 'Housing Mix and Affordability' states sites of less than 15 dwellings the Council seek the provision of affordable housing of 25% affordable homes on site or a commuted sum of £10,000 per dwelling to contribute towards provision off site.

In this instance the majority of the proposal is confined to the existing floorspace of the building and as such the existing floor space benefits from the Vacant Buildings Credit and no affordable housing contribution is required for that element. However, the additional mezzanine floor space (approximately 9 sq. metres) will constitute a contribution towards affordable housing in the form of a commuted sum.

The commuted sum calculation would be 40% of the uplift of the open market value of 2.25 sq. metres. Based on an Open Market Value of £1,900 per sq. metres this equates to a commuted sum equivalent to £1,700 for the development. This commuted sum would form a s106 agreement, in accordance with policy CS7.

Conclusion

Having regard to the above, the application represents an acceptable form of development which is of an appropriate design that would not adversely affect the character or appearance of the locality. Furthermore, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or drainage issues. Therefore, the application would comply with relevant national and local planning policies and is subsequently recommended for approval subject to conditions and the signing of a s106 agreement for the provision of a commuted sum of £1,700 towards off-site affordable housing.

Recommendation

A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:

- A commuted sum of £1,700 towards off-site Affordable Housing

B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the following 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)

200 rev B, received 7 February 2019

405, received 20 December 2018

400, received 20 December 2018

404, received 20 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 development hereby permitted shall match those used in the existing building.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity.

04

Prior to the first apartment being occupied, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable / public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

Informatives

01

It is recommended that the development is designed and built to Secured by Design standards. www.securedbydesign.com

Lighting

Stairwells to be open and well lit, the user should be able to see the next staircase ahead.

All external paths and the car park should be well lit with no dark areas.

The entrance into the development should be well lit and offer as much natural surveillance to the street scene and car park as possible.

Security of Dwellings

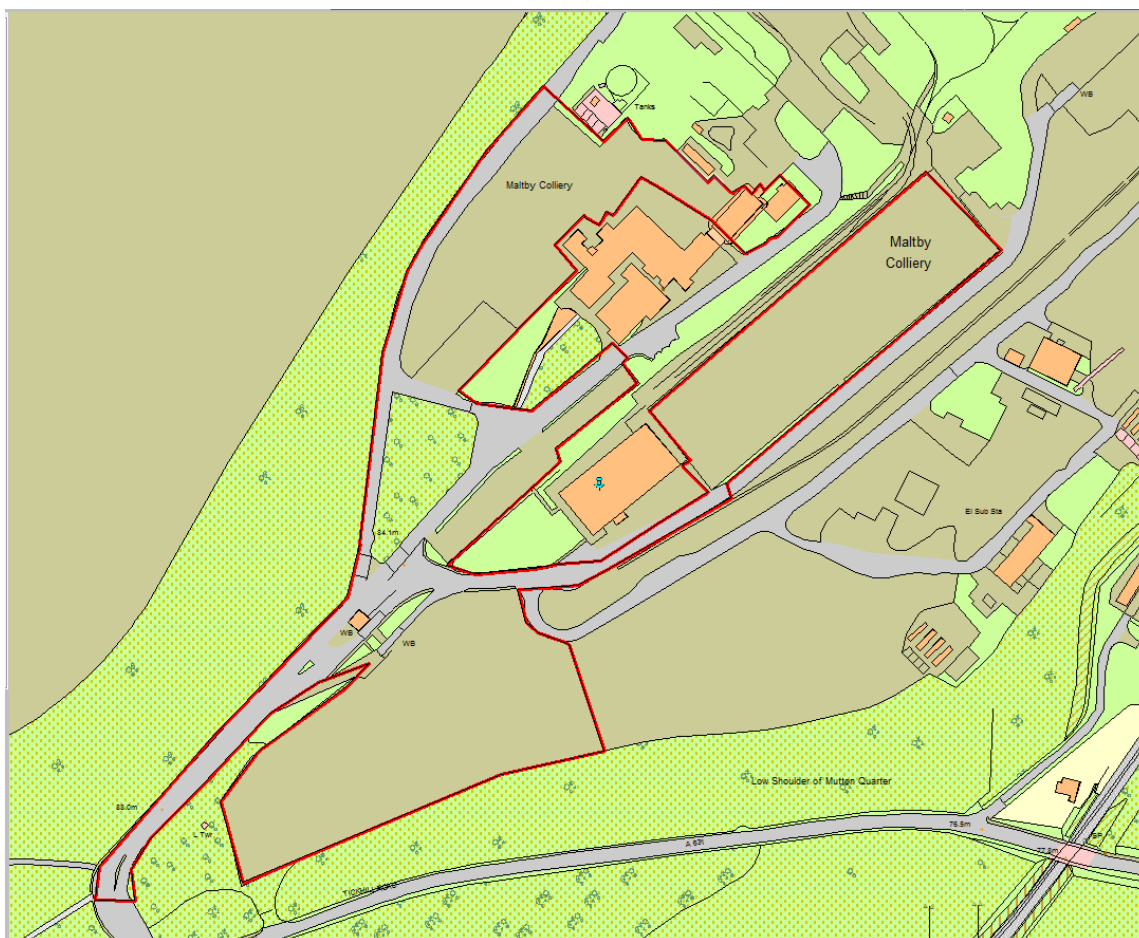
Audio/Visual Access Control should be used on the main entrances to the accommodation and the communal doors should be to standard LPS 1175 Sr 2, the Flats doors themselves should be to standard Pass 24:2016. All ground floor glazing should either be upgraded to be compliant with Pass 24:2016 or fitted with 100 micron thick laminated window film to bring to a similar standard.

POSITIVE AND PROACTIVE STATEMENT

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

| | |
|------------------------------|--|
| Application Number | RB2019/0127 |
| Proposal and Location | Proposed use for plant, machinery and equipment auction scheme and siting of temporary portable office, canteen and toilet units, a marquee and 10 lighting columns for a temporary 12 month period and erection of 2.4m high palisade fencing at Maltby Colliery Tickhill Road Maltby S66 7HG |
| 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 constitutes an area of 4.74 hectares, in the south west part of the pit yard at the former Maltby Colliery Site off Tickhill Road near Maltby. The site is a section of the larger former colliery site which covers 173.1 hectares in total, 34.3 hectares of which is within the Pit Yard. The Pit Yard includes the former Colliery Infrastructure, including offices, workshops, stores, plant yard, associated buildings, processing and stocking areas, site access, wheel wash and weighbridge. Since the closure of the colliery some buildings have been demolished however some remain on site.

The A631 provides access to the M18 junction 1 to the west and the A60 and Tickhill to the east.

The Pit Yard area is surrounded by Green Belt Land. The Colliery Tip is located to the north west and north of the Site. The Colliery Tip is bounded to the north and north east by Stainton Lane, with Stainton village beyond some intervening agricultural land to the north east. Holme Hall Quarry (also known as Holme Hall Quarries) is located to the north of the Colliery Tip and Stainton Lane.

The site is bound to the south by Maltby Commons & Woodlands a Local Wildlife Site, with the closest residential property at Woodland Lodge (also known as 'Station House') which is approximately 250 metres distant.

There are no public rights of way within the site.

The site is located within flood zone 1 as identified on the Environment Agency Flood Maps. There are no listed buildings on the site nor are there any Conservation Areas in close proximity to the site.

Background

Relevant Planning History

The site has been the subject of numerous applications relating to its previous use as a coal mining facility. The most recent application is -

RB2016/0598 - Maltby Colliery GDO Tip and Stainton Tip Revised Reclamation Scheme over a 6 year and 6 month period, with cut and fill operations, the import of 1.32 million tonnes of suitable fill material and 150,000 tonnes of soil making materials and restoration of the former colliery tip to beneficial after-uses, including amenity grassland, agriculture, public access and nature conservation enhancement, and temporary ancillary and associated activities and the export of the residual stocks of mineral involving up to 65,000 tonnes of coal fines and 20,000 tonnes of deep mined coal to market, at former Maltby Colliery, Tickhill Road. Granted 10-01-2017

Environmental Impact Assessment

The proposed development falls within the description contained at paragraph 10(b) 'urban development projects' of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 and meets the criteria set out in column 2 of the table in Schedule 2, in other words the area of the development exceeds one 1 hectare and does not include dwelling house development.

A Screening Opinion was adopted on 11th December 2018 by the Borough Council as the relevant Local Planning Authority that the development is not 'EIA development'. This took into account the criteria set out in Schedule 3 to the 2017 Regulations, and the Council is of the opinion that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

Proposal

The applicant seeks planning permission for a plant, machinery and equipment auction scheme for a period of 12 months. The temporary auction scheme would use some 4.74 hectares in the south west of the previously developed Pit Yard, including the site access from the A631 Tickhill Road, which would also continue to serve ongoing

activities on the wider former Maltby Colliery site. The scheme would continue to use the existing site infrastructure including the entrance security building, weighbridge and wheel wash, along with hardstanding areas. The scheme would include areas for staff and visitor car parking, plant, machinery and equipment display areas, along with the siting of the temporary portable office, canteen and toilet units, and a hired in marquee(s) for each auction event. The temporary auction scheme would not necessitate the demolition of any buildings or the removal of any trees.

The proposal involves the erection of some new 2.4m high green powder coated palisade fencing along part of the site boundary for approximately 100m, consistent with that installed elsewhere on the site.

It is proposed to hold up to 10 auction events during the 12 month period, with each event lasting up to two days.

Supporting Statement

This states that the applicants envisage that the use would provide 30 jobs including senior managers, engineers, accountants, mobile plant operators and administrative staff. It is anticipated that around 10 staff will be relocated from the former site, and as such approximately 20 new staff will be employed. It is envisaged that 40 additional temporary jobs would be provided for each auction event (over two days) up to 10 times per year, along with a proportion of such jobs commencing during the week before the auction and also continuing into the following week. Such temporary jobs would include various roles, such as administration, engineering, mobile plant operation and catering.

The Site includes two plant, machinery and equipment display areas. The deliveries of plant, machinery and equipment would be primarily in the week preceding an auction event and would be available for inspection by prospective bidders. Some goods would be subject to some pre-auction maintenance and repair. The existing concrete pad would be used as a plant, machinery and equipment wash down area.

During the auction event, mobile plant and machinery would be progressively 'paraded' in front of the temporary marquee(s) so that visitors can view the items on the ground, along with some electronic screens within the marquee(s). The auction would also be transmitted online for live internet bidders from within the UK and further afield. The auctioneers would be based within a mobile unit which adjoins and has a window opening into the marquee(s).

Following an auction event, such plant, machinery and auction equipment would be progressively transported from the Site by road, a proportion of which would be taken to the ports for onward shipping within Europe and further afield.

Normal working hours would be between 0700 to 1900 hours Monday to Friday, along with Saturdays between 0700 to 1330 hours. Outside of these hours, there would be some deliveries of plant, machinery and equipment to and from the Site, along with repairs and maintenance of such goods pre and/or post auction events prior to transfer off-site.

In total, around 575 attendees are expected at each auction event over two days, with the majority travelling from within the UK, along with some attendees from Europe and further afield. It is anticipated there would be 30 arrivals to site per day (delivery trucks and staff cars), which would increase in the run up to and following an auction event. On

auction days this would increase to between 271 and 321 arrivals per day (visiting customers, staff and temporary staff), with such movements spread throughout the working day. It is anticipated that full time and temporary staff would travel to/from the site outside peak network hours (0800 to 0900 hours and 1700 to 1800 hours). It is assumed that HGV arrivals would be in the order of two per hour during a normal working day. In addition, on the run up to and during an auction event the customer arrivals and departures would be spread through the working day.

The existing Pit Yard lighting columns within the Site would be used to light the Auction Scheme, along with up to 10 portable lighting towers to a maximum of 5 metres in height. Such portable lighting columns would be used only during periods of darkness principally on the run-up to, during and shortly after auction events, with the lighting directed downwards, with cut off lanterns to avoid upward light spill. The portable lanterns would be directed into the Site and notably away from woodland areas outside but adjacent to parts of the Site boundary.

Ritchie Bros. have been holding auctions since 1958, initially in Canada and then expanding to now operate on an international basis. Ritchie Bros. had based their United Kingdom (UK) auction operations on land at Donington Park, Leicestershire, for a number of years until the end of their lease in late 2018. Taking into account the constraints of their former Donington Park site, notably in terms of site area, Ritchie Bros. progressed an extensive site search, commencing in mid-2017, to find a suitable relocation site within the UK from which they could operate their auction business. Following the extensive site search, Ritchie Bros. identified land on part of the Pit Yard at the former Maltby Colliery as their preferred relocation site for their UK based auction business.

They consider the site to be readily accessible to Doncaster Sheffield Airport for use by international travellers attending the Auction Scheme. The site is also well positioned in terms of local businesses to support the Auction Scheme, including plant and machinery fitters, caterers, office equipment suppliers, along with hotels and eating establishments for visitors. The local community are a key partner for the success of any Ritchie Bros. site and with Maltby's long association with the colliery was considered to provide the perfect community platform upon which to build.

Ritchie Bros. employed 29 full time staff at their Donington Park site, which ceased activities in late 2018. It is anticipated that the temporary Auction Scheme would provide 30 full time jobs, which would include around 10 employees relocating from the Donington Park site and the remaining 20 would be new employees. It is envisaged that 40 additional temporary jobs would be provided for each auction event (over two days) up to 10 times per year, along with a proportion of such jobs commencing the week before the auction and also during the following week. In addition, there would be indirect jobs and spend in the local economy associated with the Auction Scheme estimated to be in the order of £0.75 million per annum.

The documents include details of the economic impact that the scheme would have on the surrounding area. It concludes that the scheme has the potential to make a significant contribution to the Council's Regeneration aims for Maltby. Whilst only a 12-month temporary permission, a successful period of operation will see a further application submitted to secure the permanent use of the site which would result in significant expenditure invested in building and site refurbishment. The nature of the

development will raise the profile of Maltby and will become a catalyst for investment and economic growth in the local area.

The most significant impacts of the proposed development will be:

- The safeguarding of existing jobs at the former Maltby Colliery and the creation of an additional 40 temporary jobs for each auction over the 12 months of the temporary permission. This would represent an important economic benefit as the local area experiences high levels of employment deprivation.
- Investment of £0.75m in the auction facility over the 12-month period. This money will be spent on a wide range of services which the company will seek to source from the local area where possible.
- Visitor expenditure generated by those attending each of the auction events (overnight and day visitors) and visitors to the temporary auction Site in the few days preceding each auction event would total £0.585m, which in turn would support an additional 5 FTE jobs (gross) in the broader economy.
- Additional GVA from the preparation and ground works for the site (over a relatively short time frame for the temporary planning permission), would total £0.022m and in terms of operational employment, the temporary jobs created for each of the 10 auctions translate into 8 FTE which would generate £0.296m GVA over the 12 months of the temporary planning permission.
- Generation of business rates as the Site is brought back into economic use.

In relation to Planning Policy the applicant concludes that the scheme would be consistent with sustainable development, economic, social and environmental objectives of the NPPF and the Local Plan.

Design and Access Statement

This concludes that the site is suitable for the auction scheme and that the proposal safeguards existing infrastructure to Maltby Colliery employment site for current and future users.

Transport Assessment

This concludes that the proposal would not generate large volumes of trips during most of the year and, on the small number of auction days would be managed to spread traffic volumes through the day. Overall volumes of traffic would be less than if the site was developed for a standard B2 Industrial use. As such, the proposed use could not be classed as 'severe' under the NPPF policy test.

Landscape Appraisal

This concludes that the proposed development is small scale in nature, and is in keeping with the existing.

Ecological Survey

This concludes that no indirect or direct impacts on statutory sites are anticipated. Existing lighting will be used along with portable lighting in the darker months which will be directed away from peripheral habitat. This will be turned off when members of the public leave after viewing is closed. Normal working hours 07:00-19:00, and lights turned off outside of these times.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document adopted on 27th June 2018.

The application site is allocated as a Special Policy Area – Former Maltby Colliery. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan Policies –

CS 9 Transforming Rotherham's Economy
CS 10 Improving Skills and Employment Opportunities
CS 14 Accessible Places and Managing Demand for Travel
CS19 Green Infrastructure
CS20 Biodiversity and Geodiversity
CS21 Landscape
CS23 Valuing the Historic Environment
CS24 Conserving and Enhancing the Water Environment
CS25 Dealing with flood Risk
CS27 Community Health and Safety
CS Sustainable Design
CS33 Presumption in Favour of Sustainable Development
SP 1 Sites Allocated for Development
SP 18 SPA2 Former Maltby Colliery
SP 26 Sustainable Transport for Development
SP 33 Conserving and Enhancing the Natural Environment
SP34 Sites Protected for Nature Conservation
SP 47 Understanding and Managing Flood Risk and Drainage
SP 49 Safeguarding Mineral Infrastructure
SP 52 Pollution Control
SP 54 Contaminated and Unstable Land
Chapter 5 – site development guidelines: 5.91 Allocation Reference: SPA2

BDR Joint Waste Plan (2012):

Policy WCS7: Managing Waste In All Developments

Other Material Considerations

Other material considerations include as follows:

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. It was last updated on 17th September 2018.

National Planning Policy Framework: The NPPF came into effect in February 2019. It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the

development plan, unless material considerations indicate otherwise” and that it is “a material consideration in planning decisions”.

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 was advertised in the press, on site and by individual neighbour letters; 4 letters of support have been received from Sir Kevin Barron MP, Councillor Beaumont and Councillor Price both ward members for Maltby Ward and the Coalfields Regeneration Trust. The comments are summarised below –

- Sir Kevin Barron MP supports the proposal and has been kept fully informed about the proposal.
- Sir Kevin Barron MP and Councillor Beaumont have visited an auction and experienced the professional approach Richie Brothers applied to their business and efficient auction process has led to the conclusion that the addition of the business to Maltby can only be an asset.
- Richie Brothers have expressed their desire to be part of the Maltby community.
- The first auction to be held under permitted development rights in February will enable planners to experience an auction
- It is understood that a further application is being prepared which will seek permission to operate on a larger area for a longer period, this will involve public exhibitions and community engagement which is welcomed.
- The proposal will create jobs and result in an estimated £3m of investment into Maltby Colliery
- The operators spend £750,000 annually on local goods and services to support their business
- The investment can only be a positive for the area as Maltby experiences deprivation scores higher than the national average
- Comfortable that any increase in traffic will be managed effectively and that the auctions will positively improve the awareness and profile of Maltby and its surrounding area.

The applicant and/or the agent have requested the Right to Speak at Planning Board.

Consultations

RMBC – Transportation Infrastructure Service: No objections

RMBC - Landscape Design: No objections

RMBC – Drainage: No objections

RMBC – Ecologist: No objections subject to lighting condition

RMBC - Environmental Health (Noise): No objections

The Coal Authority – No objections

Highways England – No comments received

Severn Trent Water: No objections subject to recommended condition

Environment Agency: Given that the proposed use will not include any major disturbance to the subsurface and that it is only for a 12 month period, they will not be requesting a condition to secure this investigation.

Appraisal

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

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

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

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

- The principle of the development
- Design
- Transportation issues
- Drainage and flood risk issues
- Ecology and biodiversity
- Landscape and tree matters
- General amenity issues – contaminated land, noise and air quality
- Heritage issues

The principle of the development

The proposed use of the site in relation to the auction business is considered a sui generis use under the Town and Country Planning (Use Classes) Order 1987 (as amended), although a significant part of this would be used for the storage and display of equipment.

Policy SP18 'SPA2 Former Maltby Colliery' states that: "*The reuse of land and premises at Maltby Colliery, site allocation SPA2 as shown on the Policies Map, for employment purposes will be supported in principle; in particular, where they utilise the existing rail head and National Grid connections. Appropriate uses will include:*

- a. B2 (general industry)*
- b. waste and energy*
- c. aggregate depot*

A masterplan for these uses will be required to ensure the comprehensive redevelopment of the site."

The applicant argues that the policy wording does not exclude other uses, however the supporting text makes clear the strategy for the site:

“4.78 Uses related to waste, energy and composting are likely to be needed within the plan period and making provision for these on a site which has historically seen non-confirming / bad neighbour uses is considered appropriate. Consequently, the site is not suitable for more general employment uses (B1 and B8 Uses) which may compromise the development of the preferred uses identified in Policy SP 18 ‘SPA2 Former Maltby Colliery’ and could be accommodated in other locations around the borough.”

Notwithstanding this, it is accepted that the proposal would generate a number of full time and temporary jobs, a number of which would potentially be drawn from the local area, In addition to this the application is for a temporary period only and so would not in any way prejudice the future redevelopment of the site in accordance with the policy.

Policy CS9 ‘Transforming Rotherham’s Economy’ aims to protect viable employment sites and support the regeneration and intensification of previously developed land, and Policy CS10 ‘Improving Skills and Employment Opportunities’ aims to improve skills in Rotherham’s communities through local employment opportunities. Whilst the proposed use is not in accordance with that outlined in policy SP18, the employment opportunities and the investment in the local economy are considered to be consistent with the aims of the above Local Plan policies.

Policy SP18 also requires the submission of a Master Plan, however this application has been supported by an indicative zoning plan which is considered to be sufficient to support this temporary proposal. Importantly, this indicates that the existing spine road through the site would be retained as the route to access future development plots which is welcomed.

The Local Plan identifies the former colliery site as a Mineral Safeguarding Site, recognising that the existing rail sidings are not in use for mineral transportation but could have potential for such use in the future. Policy SP49 Safeguarding Mineral Infrastructure sets out how proposals for non-minerals development involving, or in the vicinity of, safeguarded mineral infrastructure will be considered. The planning statement recognises that the rail siding provides scope for some plant, machinery and/or equipment to be delivered/from the Site by rail, although at this stage it is anticipated that the majority of such movements would be by road. In this respect it is not considered that the proposed temporary use of part of the overall site would prejudice the potential for the rail sidings to be used for mineral infrastructure related uses.

Design

The proposal does not propose any built development except for the continuation of a 2.4m high palisade fence along part of the boundary. This is considered to be appropriate in design and in keeping with other boundary treatment on the site.

The proposal also involves the siting of temporary units to provide offices, canteen and toilet facilities. Additionally the erection of a marquee or marquees on auction days is proposed which would be temporary structures that will be removed after each auction. Bearing in mind the industrial nature of this part of the overall colliery site it is

considered that the temporary units and the marquees do not to have any detrimental impact on the visual amenity of the locality.

Transport issues

In assessing highway related matters, Policy CS14 'Accessible Places and Managing Demand for Travel,' notes in part, *"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."*

Policy SP26 'Sustainable Transport for development' states, in part, that *"Development proposals will be supported where it can be demonstrated that:*

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

The NPPF further notes at paragraph 108: *"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) *safe and suitable access to the site can be achieved for all users; and*
- c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree."*

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

Paragraph 111 goes on to note that: *"All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application*

should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

The Transportation Unit notes that the submitted Transportation Assessment (TA) indicates that the additional vehicular traffic likely to be generated by the proposed use will generate the most traffic on auction days when some 642 No. movements are anticipated. During a 12 hour day, that equates to an increase of some 3% in the A631 west of Maltby, some 8.3% in A631 to the east of Grange Lane and some 11.2% at the site access. The Transportation Unit do not consider this to be a material adverse impact.

Although the site is not well connected with sustainable transport links, given the nature of the business I do not consider this to be significant. In terms of road safety, measures have recently been implemented along this part of Tickhill Road including improvements to visibility at the site access. Whilst the additional HGV movements may result in complaints from residents, the A631 is a road designated for such traffic.

In this respect it is considered that the proposal is acceptable in Transportation terms, and in compliance with the relevant Local Plan policies.

Drainage and flood risk issues

Policy CS24 ‘Conserving and Enhancing the Water Environment’ states:

“Proposals will be supported which:

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

Policy CS25 ‘Dealing with Flood Risk’ states, in part, 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.”*

Policy SP47 'Understanding and Managing Flood Risk and Drainage' states, in part, that:

"The Council will expect proposals to:

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

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

The application site is not within an area of flood risk, and the proposal does not propose any permeant built development and is temporary in nature. In this regard the proposal is not considered to have any implications in relation to drainage flooding issues. The proposal is therefore in compliance with the relevant Local Plan policies.

Ecology/Biodiversity matters

In assessing these issues, Policy CS20 'Biodiversity and Geodiversity,' notes in part, 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."*

Policy SP33 'Conserving and Enhancing the Natural Environment' states, in part, that: *"Development should conserve and enhance existing and create new features of biodiversity and geodiversity value,"* and adds that: *"Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery including, where appropriate, direct contribution to Ecological Networks, the Green Infrastructure network, Biodiversity Opportunity Areas, Nature Improvement Areas and Living Landscapes."*

The NPPF further advises in part of paragraph 170 that: *"Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):*

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;"*

Policy SP34 'Sites Protected for Nature Conservation', states in part, that; *"Development that would either directly or indirectly, adversely affect a non-statutorily protected site will not normally be permitted"*.

The application has been supported by an Ecological statement, which has been assessed by the Council's Ecologist. The application site is in close proximity to statutory and non-statutory wildlife sites, principal and UK Habitats and protected and principal species, However it is acknowledged that the proposed development should have a minimal impact on these, partly because of its intermittent and temporary nature and partly because no buildings will be constructed or demolished and no vegetation will be removed.

The only likely impacts are likely to be from security lighting. It is therefore suggested that the "existing high powered security lamps" are used to a minimum i.e. switched off when members of the public leave as has been suggested by the applicant and that any temporary lighting is not directed towards the wooded areas.

With this in mind it is considered that the proposals accord with relevant Local Plan Policies as well as guidance within the NPPF.

Landscape and trees matters

Policy CS19 "Green Infrastructure" states, in part, that: "*Rotherham's network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors, will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas...Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below –*

d. Improving connectivity between new developments and the Strategic Green Infrastructure network and providing buffering to protect sensitive sites."

Policy CS21 'Landscapes,' states, in part, that: "*New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development."*

The site lies within the East Rotherham Limestone plateau – Maltby colliery (9b) landscape character area which is considered to be of moderate landscape sensitivity. The Green Belt boundary and Sandbeck parkland core (10a) landscape character area which is of High landscape sensitivity lie to the south of the site. There are existing boundary woodland blocks on the site which are protected either by Ancient woodland or Local Wildlife Site status. The boundary vegetation also provides both visual screening of the interior of the site and a valuable Green Infrastructure and habitat link to further larger woodland blocks which lie to the south of the site.

The proposal retains the significant belt of woodland vegetation along Tickhill Road. This woodland belt is important for Green Infrastructure, wildlife and the screening of the site from adverse visual effects. The landscape and visual appraisal does not indicate any adverse landscape or visual effects from the development and on that basis this temporary application is considered acceptable on landscape grounds, and is considered to be in compliance with the relevant Local Plan policies.

General amenity issues – contaminated land, noise and air quality

Policy CS27 'Community Health and Safety' states, in part, that: *"Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.*

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

Policy SP52 'Pollution Control' states that: *"Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity. When determining planning applications, particular consideration will be given to:*

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

Policy SP54 'Contaminated and Unstable Land' states that: *"Where land is known to be or suspected of being contaminated, or development may result in the release of contaminants from adjoining land, or there are adverse ground conditions caused by unstable land, development proposals should:*

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

The Councils Environmental Health Officers have assessed the application. They note that the site is some distance away from residential properties and as such would not envisage any significant loss of amenity by virtue of noise, air quality or land pollution. The proposal is therefore considered to be in accordance with the relevant Local Plan policies.

The Environment Agency have states that due to the historic use of the site they would normally require ground investigations to be carried out, however as the proposal does not involve the construction of new buildings and is only for a temporary period they accept there is no need for such works.

The proposal is therefore considered acceptable in in compliance with the relevant Local Plan policies.

Heritage issues

Policy CS23 'Valuing the Historic Environment' states, in part, that "*Rotherham's historic environment will be conserved, enhanced and managed in accordance with principles set out*"

It is noted that the site is not located within or adjacent to a Conservation Area, though the site specific development criteria require the submission of a heritage statement. However as there is no development/excavation works proposed it is not considered necessary for this temporary application.

Conclusion

Whilst the principle of the development is not fully in accordance with the policy SP18 'Former Maltby Colliery', the benefits that the proposal will bring in terms of job creation and inward investment to the area are to be afforded significant weight. Additionally, it is noted that the application site is only part of the former colliery site and would not prejudice any further future development on the remaining area.

The proposal is for a 12 month period only and, besides a security fence, does not propose any permanent built development. The proposal is considered appropriate from a Transportation aspect.

Therefore, when taking into consideration the benefits the proposal would bring locally it is considered that the planning permission should be granted for the development.

Conditions

01

This permission shall be valid for 12 months only and at the end of that period (unless further permission be granted by the Local Planning Authority prior to the end of that period) the use hereby permitted shall cease and all temporary buildings and marquees shall be wholly removed and the site restored in a manner to be agreed with the Local Planning Authority.

Reason

In accordance with the submitted information and for the avoidance of doubt

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)

- Block Plan of the Site Drawing No.28157 date 26/10/18
- Proposed Site Plan Drawing No.P004 Rev B date Dec'18
 - Floor Plans and Elevations of the Auction Day Marquee Drawing No.P005 date Dec'18
 - 2.4m Metal Palisade Fence & Gate Detail Drawing No. P006 dated Dec'18
 - Office Plan and Elevations Drawing No. P008 dated Dec'18
 - Canteen Plan and Elevations Drawing No. P009 dated Dec'18
 - Toilet Plan and Elevation Drawing No.P010 dated Dec'

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 temporary structures hereby permitted shall be in accordance with the details provided in the submitted application form/shown on the approved drawings and in the email from WYG dated 04-03-2019. 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 Local Plan Policy

04

Drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority and the scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

05

If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reasons

To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

06

Any portable lighting columns which are used on site shall not exceed 5 metres in height and shall only be used when required during normal working hours of 0700 to 1900 hours and outside of these hours they shall not be illuminated.

Reason

To minimise any impact on ecology

07

Before the development is brought into use the car parking area shown on the approved 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.

08

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a programme of implementation, monitoring, validation and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

Informatives

01

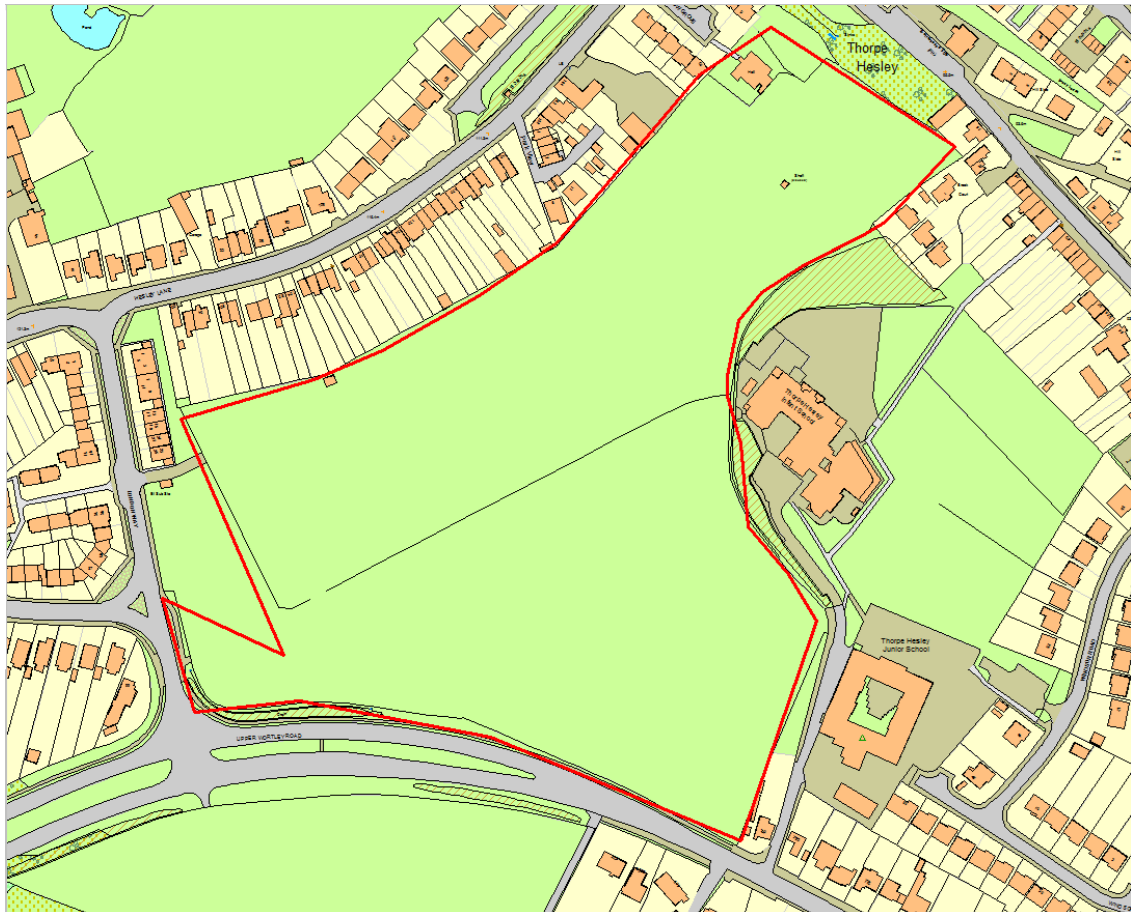
Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area the applicant has specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built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

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered.

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 | RB2019/0154 |
| Proposal and Location | Application to vary condition No. 2 (approved plans – substation of the Langley house types for the Birch house types) imposed by Planning Application RB2017/1484 at land North of Upper Wortley Road, Thorpe Hesley, Rotherham, S61 2PL for Jones Homes (Yorkshire) Ltd. |
| Recommendation | <p>C. That the Council enter into a deed of variation to the legal agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • 36 affordable housing units (25% of total units proposed) on site • Financial contribution of £252,936 towards Education provision for improvements to schools in the Thorpe Hesley area • Financial contribution of £72,000 towards sustainable travel measures to support the development <p>D. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the following conditions:</p> |



Site Description & Location

The application site is located to the north-west of the borough in close proximity to the administrative boundary with Sheffield and just east of Junction 35 of the M1.

The site is bounded by residential properties to the north, Thorpe Hesley Infant School and Thorpe Hesley Junior School to the east, Upper Wortley Road to the south and London Way to the west.

The site is approximately 5.8 hectares in size and has an irregular shape. It is largely undeveloped and comprises pasture land with two improved grassland fields used for the purpose of grazing horses.

The site slopes gradually down from the south to the northern boundary by approximately 1.3 metres. Ground levels fall more steeply adjacent to and beyond the north eastern boundary. There are few trees within the site however some trees are located just outside the site on the western boundary.

Boundaries on site are mostly post and rail and post and wire fence with some scattered scrub and a short section of stone wall to Upper Wortley Road. There is palisade fencing on the boundary with Thorpe Hesley Infant and Junior Schools at the eastern boundary. There is a variety of residential fencing to the north.

On the southern boundary of the site is Upper Wortley Road, a dual carriageway, which discharges to a single carriageway at the entrance to the school grounds. There is a footpath adjacent to the site which leads to a public right of way which runs from Upper Wortley Road to Brook Hill providing pedestrian access to the village amenities.

The southern boundary of the site opens to provide views of farming land and Lady Clough and Smithy Wood.

The eastern boundary has limited views toward Thorpe Hesley School Grounds which are screened by mature hedgerow.

Background

There has been one previous planning application submitted relating to this site:

RB2017/1484 – Erection of 144 No. dwellinghouses with associated car parking, garages, access, landscaping, open space & drainage and new vehicular access on to Upper Wortley Road – Granted conditionally

EIA screening opinion

The previous application was screened and it was determined that the proposal was not EIA development as defined in the 2017 Regulations.

The current change hereby applied for would not require the scheme to be reassessed given the only change is a change in one of the house types previously approved.

CIL

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

Proposal

The application seeks amendments to the planning permission granted on the 5th Dec 2018 (RB2017/1484) under S73 of the Town and Country Planning Act to substitute the approved Langley house type for the Birch house type, this relates to 24 plots.

The amendments are requested by the applicant following a review of their house types.

The previously approved scheme showed 30 Birch house types; as such the scheme would now have 54 Birch type dwellings. The Birch house type has three variations which include End of Mews, Side Gable and Central Gable variations.

The Birch house type, like the Langley it is proposed to replace has three bedrooms. They are similar in terms of size and scale and will be sited in a similar location within each individual plot and the plot sizes will remain unaltered. The elevation details and design features are similar between the Langley and proposed Birch.

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 by the Council on the 28th June 2018.

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

Local Plan policy(s):

- CS1 'Delivering Rotherham's Spatial Strategy'
- CS3 'Location of New Development'
- CS7 'Housing Mix and Affordability'
- CS14 'Accessible Places and Managing Demand for Travel'
- CS19 'Green Infrastructure'
- CS20 'Biodiversity and Geodiversity'
- CS21 'Landscapes'
- CS22 'Green Space'
- CS25 'Dealing with Flood Risk'
- CS26 'Minerals'
- CS27 'Community Health and Safety'
- CS28 'Sustainable Design'
- CS30 'Low Carbon & Renewable Energy Generation'
- CS33 'Presumption in Favour of Sustainable Development'
- SP1 'Sites Allocated for Development'
- SP11 'Development in Residential Areas'
- SP26 'Sustainable Transport for Development'

SP32 'Green Infrastructure and Landscape'
SP33 'Conserving the Natural Environment'
SP35 'Protected and Priority Species'
SP36 'Soil Resources'
SP37 'New and Improvements to Existing Green Space'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP55 'Design Principles'
SP56 'Car Parking Layout'

Other Material Considerations

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.

The application shall also be assessed against the guidance detailed within the South Yorkshire Residential Design Guide, the Council's adopted Parking Standards and the Council's 'Delivering Air Quality Good Practice Guidance'.

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 3 letters of representation have been received.

The issues raised are summarised below:

- I do not want these houses overlooking my house and garden.
- The application appears to have been submitted to try and make more profit.
- I am annoyed at the Council for passing the previous application and hope it creates many problems for the Council and Jones Homes.
- The village has turned into a rat run to the M1.
- The village has expanded but no infrastructure has been put in place to accommodate more and more people.

There has been 1 Right to Speak request received.

Consultations

RMBC – Transportation and Highways Design: Have no objections subject to the same conditions appended to RB2017/1484 being imposed.

RMBC – Public Rights of Way Officer: There are no existing definitive public rights of way in the proposed development area.

RMBC – Affordable Housing: The application complies with the affordable housing policy of 25% affordable housing on site.

RMBC – Air Quality: Have no objections subject to the same conditions appended to RB2017/1484 being imposed.

RMBC - Landscape Design: Have no objections subject to the same conditions appended to RB2017/1484 being imposed.

RMBC – Drainage: Have no objections subject to the same conditions appended to RB2017/1484 being imposed.

RMBC – Ecology: Have no objections subject to the same conditions appended to RB2017/1484 being imposed.

RMBC - Environmental Health: Have no objections subject to the same conditions appended to RB2017/1484 being imposed.

RMBC - Land Contamination: Have no objections subject to the same conditions appended to RB2017/1484 being imposed.

RMBC – Green Spaces: Have no objections subject to the same conditions appended to RB2017/1484 being imposed.

RMBC – Education: A financial contribution will be required.

SAGT: Have no objections.

SY Fire and Rescue: Have no objections.

SY Police Architectural Liaison Officer: Have no objections but recommend the development is built to Secured by Design Standards.

South Yorkshire Archaeological Service: Have no objections subject to the same conditions appended to RB2017/1484 being imposed.

The Coal Authority: Have no objections subject to the same conditions appended to RB2017/1484 being imposed.

Yorkshire Water: Have no objections subject to the same conditions appended to RB2017/1484 being imposed.

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 proposed amendment comprises of a variation in the house type of 24 plots from the Langley house type to the Birch throughout the development.

The Birch house type, like the Langley is a two-storey, three-bedroom dwelling, of either semi-detached or end of mews form. There are three variations of the Birch house type, which have either a gable feature to the side of the front elevation or in the centre. The design, appearance, size and form of the Birch house type are extremely similar to the approved Langley house type. It is also noted that there were 30 Birch house types approved under the original application.

The amendments proposed do not significantly alter the appearance of the previously approved dwellings and is therefore considered to be acceptable. Furthermore, the amendments do not introduce any new habitable room windows and do not significantly increase the footprint. The replacement house type therefore will not have a detrimental impact on residential amenity.

Accordingly, the alterations are considered to be appropriate for this location and are therefore considered to comply with the requirements of paragraphs 124 and 127 of the NPPF and Local Plan policies CS28 'Sustainable Design' and SP55 'Design Principles'.

It is noted that representations have been received regarding the principle of the development, overlooking of existing properties and how the additional residents will be accommodated in respect of schools and doctors. However, the principle of developing this site was established under RB2017/1484 and issues such as impact on the amenity of neighbouring residents and the wider surrounding area were all assessed under RB2017/1484 and deemed acceptable; as this is an application to vary a condition on the previous consent this matters cannot be revisited.

In addition to the above, the previous application was subject of a s106 to secure affordable housing and financial contributions towards improvements to schools in Thorpe Hesley and sustainable travel measures. The same contributions will be required and a deed of variation to the Legal Agreement will be required due to the change in the planning reference number.

Conclusion

It is concluded that notwithstanding the objections received, the principle of developing this site was established under RB2017/1484 and issues such as design, amenity, highways, impact on surrounding area, landscapes, ecology, archaeology and air quality would not be affected by the proposed amendment to one of the house types previously approved. Therefore, the application is recommended for approval subject to conditions attached to RB2017/1484 being imposed again and the signing of a deed of variation to the legal agreement for the provision of 25% affordable housing on site and financial contributions towards improvements to schools in Thorpe Hesley and sustainable travel measures.

Recommendation

- A. That the Council enter into a deed of variation to the legal agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:

- 36 affordable housing units (25% of total units proposed) on site
- Financial contribution of £252,936 towards Education provision for improvements to schools in the Thorpe Hesley area
- Financial contribution of £72,000 towards sustainable travel measures to support the development

B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the following conditions:

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **05, 09, 14, 18 and 19** of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers **05, 09, 14, 18 and 19** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

The 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):

000-001 rev AV, received 24 January 2019
000-011 rev A, received 9 October 2017
Birch-P-10 rev C, received 9 October 2017
JHY-BOWD-2014-P-11, received 9 October 2017
JHY-CRAN-P-01, received 9 October 2017
JHY/LATCH-II/P/01 (2013-2017), received 9 October 2017
JHY/STRAT/P/01, received 9 October 2017
JHY/THOR-A-P-01, received 9 October 2017
3768-011-003DG, received 9 October 2017
000 015, received 16 July 2018
000 016, received 16 July 2018
000 017, received 16 July 2018
000 018, received 16 July 2018
000 043, received 17 August 2018

Reason

To define the permission and for the avoidance of doubt.

Materials

02

No dwelling hereby approved shall commence construction above ground 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.

Landscapes

03

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

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

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

Reason

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

04

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.

Amenity

05

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

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the construction work;
- the location of the site compound and staff parking;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of proposed hours of construction on/deliveries to the site; and such further matters as the Local Planning Authority may consider necessary.

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

06

The construction works hereby permitted shall not commence until a scheme for protecting the proposed noise sensitive development from noise from surrounding sources (including roads and a school) has been submitted to and approved by the local planning authority. All works which form part of the scheme should be completed before (any part of) the (noise sensitive development) is occupied. As part of this, consideration should be given to the design of internal layouts to situate less noise sensitive rooms on facades facing the noise source. Rooms with windows on both quiet and noisy facades (e.g. lounge/diner or kitchen/diner) may be effectively vented by openings on the quiet elevation.

It may be appropriate to engage an appropriate noise consultant to undertake appropriate assessment of the site in order to inform proposals for this scheme.

Reason

In the interest of amenity of future residents of the development.

Air Quality

07

Before the development commences above ground level, details of electric charging points for the development and their location approved shall be submitted to and approved in writing by the Local Planning Authority. The electric charging points shall be installed in accordance with the approved details within timescale to be agreed in writing and shall be maintained as such.

Reason

In the interests of air quality and to provide appropriate facilities for electric vehicles.

Drainage

08

The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment prepared by Sanderson Associates (Report 8043/TW/001/04 dated 19/09/2017), unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of satisfactory and sustainable drainage.

09

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 limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/hectare);
- 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 the development can be properly drained.

10

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

Reason

To ensure the development can be properly drained and will be safe from flooding.

Green Spaces

11

Prior to the occupation of the first dwelling details relating to the construction, implementation and subsequent maintenance of the Public Open Space and play areas shall be submitted to and approved in writing by the Local Planning Authority. The

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

Reason

To ensure the provision of appropriate public open space and play areas and to ensure the long-term sustainability of these areas.

Ecology

12

No dwelling hereby approved shall commence construction above ground until details of bat boxes and / or bat roosting opportunities and their location have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within a timeframe to be agreed in writing by the Local Planning Authority.

Reason

To provide opportunities for roosting bats to maintain continued ecological function and to ensure the scheme provides a biodiversity gain.

13

Prior to the first dwelling being occupied an external lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Plan should:

- use low pressure sodium lamps or high pressure sodium instead of mercury or metal halide where glass glazing is preferred due to its UV filtration properties;
- show lighting directed to where it is needed and light spillage avoided. This can be achieved through design and using accessories such as hoods, cowls, louvres and shields;
- provide lighting as low as guidelines permit;
- direct light to the immediate area only by using as sharp a downward angle as possible.

Reason

To minimise light pollution and to reduce the impact on retained habitats.

Coal Authority

14

Prior to commencement of development details of a scheme of remedial works for the recorded mine entry and shallow underground mine workings shall be submitted to and approved by the Local Planning Authority. The approved remedial treatment works shall be implemented prior to works commencing on site.

Reason

To ensure the safety and stability of the proposed development and wider site.

Land Contamination

15

Details of the quality of soils on site and their movement and temporary storage during construction shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

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

16

Following completion of the construction phase, a Verification Report should be forwarded to the Local Authority for review and comment. The Verification Report shall include details of the remediation works and any relevant quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. The site shall not be brought into use until such time as the Verification Report has been approved by the Local Authority.

Reason

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

17

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

Reason

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

Archaeology

18

Part A (pre-commencement)

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

- The programme and method of site investigation and recording.
- The requirement to seek preservation *in situ* of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.

- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

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

Reason

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

Highways

19

The development shall not be commenced until details of the proposed alterations to the road markings in the A629 Upper Wortley Road fronting the site as indicated in draft form on Drg No 000-001 Rev AT have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the site access with Upper Wortley Road is utilised by vehicles.

Reason

In the interests of highway safety.

20

Prior to the commencement of works in Upper Wortley Road the temporary car park accessed from London Way as shown in draft form on Drg No 000 043 shall be provided for use by parents delivering / collecting children from nearby schools and shall thereafter be maintained until such time as the permanent car parking facilities indicated on Drg No 000-001 Rev AT have been provided.

Reason

In the interests of highway safety.

21

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 that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity.

22

Before the development is brought into use the car parking area shown on the proposed site layout 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.

23

Before above ground works commence 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.

24

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a time bound programme of implementation, monitoring and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the programme of implementation.

Reason

In order to promote sustainable transport choices.

Informatives

01

The development should commence within 3 years of the date of the original planning permission (**RB2017/1484**) – that is by **5 December 2021**.

02

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

03

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

04

This development would benefit from being built to Secured by Design standards by ensuring:

- Residents should be able to view their own vehicles from within their property
- All footpaths must be as straight as possible and well-lit with no dark areas.
- All public open space should be well overlooked, utilising gable end and corner windows.
- All landscape should be kept low below 1m and trees to have no foliage below 2m.
- All rear boundaries should be at least 1.8m high to prevent access into rear gardens.
- Lockable 1.8m high gates should be used as close to the front of the building as possible.
- Front and back entrances should be well lit.
- All doors and windows should be to PAS 24:2016 the required standards for Secured by Design.
- All ground floor and vulnerable glazing must be laminated.
- Garage doors to be to Loss Prevention Standard, SR 1.

05

It is recommended that any vegetation clearance (includes all ground level vegetation as well as standard trees and scrub) undertaken within the site is conducted outside of the breeding bird season (March – end August inclusive) or in accordance with checking surveys undertaken by appropriately qualified ecologists prior to and during the construction phase of the development.

06

The applicant is advised that agreement “in principle” of a Written Scheme of Investigation (WSI) with South Yorkshire Archaeology Service does not preclude the need to formally submit the agreed WSI to the LPA, under Part A of condition number 18. Undertaking any site works before this has been done - and the WSI approved in writing by the planning case officer - may result in formal enforcement action.

07

It should be noted that in respect of condition 20 these works will necessitate a section 278 agreement under the Highways Act 1980 and include for an extension to the waiting restrictions along Upper Wortley Road required by the Safety Audit and have an agreement in principle from South Yorkshire Police).

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 14 March 2019

Report of the Director of Planning and Regeneration Service

| <u>ITEM NO.</u> | <u>SUBJECT</u> |
|---------------------|---|
| 1 Page No. 83 | Proposed Tree Preservation Order No 9, 2018 – land at Doctor Lane, The Hop Inge and Serlby Lane, Harthill |
| 2 Page No. 89 | Update to appeal against refusal of application for construction of an exploratory well on land at Dinnington Road, Woodsetts |

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
14 MARCH 2019

Item 1

Proposed Tree Preservation Order No 9, 2018 – land at Doctor Lane, The Hop Inge and Serlby Lane, Harthill

RECOMMENDATION:

That Members confirm the serving of Tree Preservation Order No. 9, 2018 without modification with regard to the 10 trees which are the subject of this report, situated on land at Doctor Lane, The Hop Inge and Serlby Lane Harthill under Section 198 and 201 of the Town and Country Planning Act 1990.

Background

The Council received an application is to fell 1No. Sycamore Tree protected by RMBC Tree Preservation Order (No.2) 1971 at No.8 Doctor Lane on 23/07/18 (RB2018/1145). The reasons given to carry out the work were as follows:

- Too large for residential plot – has outgrown its position.
- Too close to properties – posing risk to persons and property from falling limbs.
- Has low amenity value.
- Tree is less than 10m from property.

The application to fell the tree was subsequently refused on 06/09/18 for the following reasons:

01

The Council considers that insufficient justification has been submitted to warrant the removal of the protected tree. No evidence has been provided to show the tree is causing irreparable damage to neighbouring properties and in the absence of such evidence the removal of this protected tree would be contrary to the requirements detailed at Policies CS21 'Landscapes' and SP36 'Conserving the Natural Environment' of the Rotherham Local Plan.

The applicant then applied to appeal the refusal of consent to the Secretary of State on 24/10/18. Due to the age of the original TPO dating back to 1971 the Council could not locate the original legal documents and as such it was therefore necessary to serve a new TPO in order to protect the tree to the rear of No.8 Doctor Lane, as well as other trees protected under the 1971 TPO.

Furthermore the new TPO allowed the Council to reassess the trees in the area and to ensure that only those of good quality are protected. The current appeal is still undetermined and awaiting the outcome of the new potential confirmation.

The Council's Tree Service Manager has recommended 10 trees in the area are protected as part of a new TPO, including the tree to the rear of No.8 Doctor Lane. The following trees are recommended for inclusion within a new Tree Preservation Order:

| Reference on Map | Description | Situation |
|------------------|-------------|--------------------------------|
| T1 | Sycamore | Rear garden 8 Doctor Lane |
| T2 | Pine | Rear garden of 5 The Hop Inge |
| T3 | Pine | Rear garden of 5 The Hop Inge |
| T4 | Cherry | Front garden of 20 Doctor Lane |
| T5 | Ash | Front garden of 22 Doctor Lane |
| T6 | Birch | Front garden of 62 Serlby Lane |
| T7 | Birch | Rear garden of 62 Serlby Lane |
| T8 | Sycamore | Rear garden of 62 Serlby Lane |
| T9 | Birch | Rear garden of 62 Serlby Lane |
| T10 | Birch | Rear garden of 62 Serlby Lane |

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”.

Representations

One letter in support has been received from a resident on The Hop Inge.

An objection has also been received from the occupiers of 8 Doctor Lane raising the following concerns:

- The tree is situated in the rear garden of a private residence and has in my opinion already outgrown its position – now being too close to both

my property and that of my neighbour (No 6 Doctor Lane). The property I now own was built in 1975. The original TPO was made in 1971 when the council owned the land and later sold the land for domestic dwellings to be sited on. Therefore the council would have known the order existed, and I feel there was a lack of insight as to the size the tree would grow to, and therefore have some impact on the dwellings in years to come.

- Due to the size the tree has been allowed to grow to by the previous residents – I believe it now poses a serious risk of harm / damage both to property and persons should it fall or loose large limbs during storm conditions, and I respectfully request that this point is given serious consideration by yourselves. We have noticed small limbs fall from the tree in strong winds.
- The tree has no cultural or historic value.
- The tree does not bring any reasonable degree of public benefit.
- The tree has little or no amenity value to the area. It produces no decorative foliage / flowers / berries or autumn colour – unfortunately it does produce sticky sap which cause both ourselves and neighbours many issues – as the sap sticks to windows and vehicle paintwork.
- Removing the Sycamore tree would not have any detrimental effect on the immediate area or residents – as the village of Harthill has several areas of woodlands / conservation area that the local residents are able to enjoy, that also provide plentiful habitats for wildlife. I therefore do not feel that the loss of 1 Sycamore tree from a private garden would have any significant impact on the local environment.
- Due to the size of the tree it also sheds a huge volume of leaves in the autumn – again causing neighbours much annoyance at having to clear them away from their property – especially as the council now charge for removal of garden waste.
- There is visible evidence that the tree roots are lifting the patio paving around it, giving rise to concerns that the tree roots may also cause damage to both my property and my neighbour's property.
- The tree attracts a large pigeon population – who's constant and excessive excrement is also becoming a health concern, and entails much cleaning of the area to enable us to use that part of the garden.
- The original order has been in place for some 47 years + and I do not believe the new order should be for a retention span of a further 40-100 years.
- We are willing to plant an alternative species of tree in a different location in the garden – further away from properties, and of a type that we would be able to maintain and manage the care of more easily, whilst still providing wildlife benefits.

Two Right to Speak requests have been received from the occupiers of 8 Doctor Lane.

Comments from Tree Service Manager

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

Outgrown Location

Whilst the tree is a mature Sycamore with a large canopy the tree stands to the very western side of the garden and towards the rear.

The tree has been crown lifted to allow approximately 7 metres clearance underneath the tree. As a result of the tree's position and the pruning works the garden has an open feel.

As the tree's lower branches have been removed the tree's canopy is also well clear of the neighbouring structures and do not pose a threat as a result of swaying branches. The tree is likely to not require pruning to maintain clearance of structures for the next 7-10 years.

Dangerous because of its size

Whilst tall trees can feel imposing, this does not equate to an increase in danger. Tree species capable of achieving a large size have evolved over millennia to cope with the stresses placed upon their size. As trees are reactive organisms they lay down reactive growth to cope with the additional stresses caused by increased wind loading.

The tree was inspected by an arboricultural consultant at the point of the application to fell the tree who found no health or structural reasons to justify the tree's removal. The tree was inspected again on 27th February 2019 by myself and I also found that the tree appears in good health with no visible structural concerns.

No Amenity Value (No decorative foliage/fruit, cultural or historic value and does not give public benefit)

In the making of a Tree Preservation Order a Local Authority has to undertake an analysis of a tree's amenity value. Rotherham Metropolitan Borough Council, along with many other local authorities, uses the TEMPO system for analysing a tree's amenity level.

TEMPO assigns a numerical value to a tree's amenity with those trees scoring 12 or greater being considered worthy of providing a suitable level of amenity to justify a TPO. The Sycamore at 8 Doctor Lane was originally scored 14 at the making of the TPO. Following the inspection of the tree on 27th February, this has been altered to 16 due to the tree's condition being marked as Good rather than just Fair.

Whilst decorative fruit and foliage can add extra beauty to a tree these are not requirements for a tree to be worthy of protection under a TPO. This equally applies to the need for a tree to be associated with cultural or historic capital.

The tree is visible to the wider public in views from the streets: Doctor Lane, Winney Hill and The Hop Inge. Its position in a rear garden of a private property is replicated across the neighbouring properties and streets, where numerous mature trees can be seen in the street view.

Beyond this a tree does not require a high level of visibility to provide amenity. Just some of the benefits of mature urban trees that do not require a line of sight from a public highway are:

- Cooling local air temperatures,
- Intercepting rainfall
- Reducing air and water pollution
- Provision of habitat
- Associations with improved mental and physical health
- Associations with increased property values

Honeydew Drip/ Bird Droppings and Falling leaves

Under the current UK legal system falling leaves, twigs, seeds, fruit, honeydew drip, etc. are not seen as a legal nuisance but rather a part of the natural lifecycle of a tree.

The removal of such tree debris would be considered as normal maintenance for a property owner.

The Loss of One Tree is Not Significant

A recent TPO Appeal decision (Appeal Ref: APP/TPO/P4415/6736) confirms the stance of the Council in relation to the removal of individual trees where other trees exist:

“The appellant points to the abundance of trees in the local area, with the suggestion that the appeal trees would not be missed. However, it is clear to me that when moving into pleasant and attractive areas with large trees residents must accept that the trees are an integral part of that setting. Without this acceptance, and if trees were removed without due consideration, there would be a gradual erosion of these characteristic qualities.”

The location is a small rural town that is defined by its mature, green landscape that permeates through its street scenes. If the removal of individual protected trees was permitted without suitable justification then that character and the benefits described above would be lost.

Roots potentially damaging patio

Around the base of the tree there is an old weathered patio area. There is some minor movement of the patio slabs, however this was not significant and the slabs could be re-set or should the owners wish to the garden could be re-designed to move the patio to a different location in the garden.

TPO's retention span

All Tree Preservation Orders are created to protect the amenity, as provided by a tree, in the particular location of the tree. Therefore, conceivably, the TPO should last for the length of the tree's lifespan whereupon it can be replaced with a new tree that will then be covered by the same Tree Preservation Order.

Local Authorities do have powers to revoke TPOs where it has been shown the tree is no longer worthy of retention, so it is possible that in the future the TPO could be removed if it was shown that the tree no longer provided suitable amenity.

Willingness to carry out replacement planting

The potential for future replacement planting does not alter the current amenity value of this Sycamore tree, the loss to the area if it were removed and the justification of including this tree in a Tree Preservation Order.

Future applications proposing replacement planting can be made and its value will be weighed against the value provided by a healthy mature tree. However it should be noted that:

- New trees may not become established
- New trees provide a very small fraction of the benefits of a large, mature tree
- They will also take two to three decades before they start to provide comparable levels of amenity.

Therefore applications to remove a healthy tree and replace with a new sapling with no further justifications being provided (e.g. decline in the tree's health and safety, evidence showing damage to the neighbouring houses) are likely to be refused.

Conclusion

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

URGENT ITEM REPORT

Item 2

Update to appeal against refusal of application for construction of an exploratory well on land at Dinnington Road, Woodsetts

RMBC reference RB2018/0918.

Appeal reference APP/P4415/W/19/3220577

RECOMMENDATION

That the Council's reason for refusal on highways grounds be withdrawn from the appeal process in light of the lack of evidence to support this aspect of the refusal

Background

Members will recall that planning application RB2018/0918 was recommended for approval, subject to conditions.

When the application came before Planning Board on 7th September 2018, Members refused permission for the following reasons:

01

The Council consider that the proposed development, which will significantly increase the number of HGV movements through the village of Woodsetts, the surrounding highways and at the junction with the proposed access on Dinnington Road, would give rise to unacceptable highways safety issues, including increased likelihood of conflict with vulnerable road users such as cyclists, equestrians, children and the elderly such that it would be contrary to the National Planning Policy Framework which expects developments to include safe and suitable access for all users.

02

The Council considers that the development will have a detrimental impact on local residents on Berne Square in terms of noise nuisance and general disturbance, particularly during the construction phase but also during operation, due to the close proximity of the proposed access, contrary to Policy SP52 'Pollution Control' of the Local Plan and the National Planning Policy Framework.

On 21st January 2019 the Council received formal notification from the Planning Inspectorate that an appeal against the refusal had been received.

The appeal will be determined via a Public Inquiry which is due to commence on Tuesday 11th June 2019 and is timetabled for 8 days.

As the application was refused contrary to officers' recommendation, officers have reviewed the information, taken legal advice and approached a number of private consultants in an attempt to engage external expert witnesses for the forthcoming Inquiry in order to avoid professional integrity issues arising.

Reason for refusal 1: Highways safety

Following the refusal of the planning application the Transportation Unit have reviewed the information raised by Members in relation to safety concerns and, while recognising that these concerns are valid, do not consider that they would warrant a refusal of planning permission for the proposed development. For reasons of transparency and to allow an independent review of this assessment the Highway Authority has then attempted to commission consultants who could re-assess the information and represent the Council's case at the forthcoming Public Inquiry.

Responses were received from 5 separate consultants who had reviewed the information but were unable to provide a robust case to support the reason for refusal. One further consultant has indicated that they would be prepared to provide expert evidence in support of the highways reason for refusal but the information provided is not considered to be sufficiently robust to defend the decision to refuse the application on the highways grounds. Furthermore, the consultant's services would come at a significant cost to the Council, which is a matter that officers consider is relevant to balance alongside;

- i) the Transportation Unit's considered position in respect of the highways safety implications of the proposed development;
- ii) the advice received from other consultants as mentioned above; and
- iii) the overall prospects of evidence in relation to the identified safety concerns being of sufficient weight to persuade an Inspector on appeal that the highways reason for refusal should be upheld.

Overall, therefore, officers recommend that Planning Board withdraw the highway reason for refusal as a ground for resisting the appeal. In this regard, it is relevant to note that advice has been sought from Counsel instructed to represent the Council at the forthcoming Inquiry. He has endorsed officers' recommendation as both pragmatic and appropriate in the circumstances.

Reason for refusal 2: Noise and general disturbance

This reason will still be defended at the appeal.

Other relevant information

- a) Rule 6 party

Woodsetts Against Fracking (WAF) have gained 'Rule 6' status, which means that they will have equal standing to the Council and the Appellant at the Public Inquiry. Officers understand that WAF has instructed Counsel and a planning consultant to represent the group at the Inquiry. WAF have also

indicated that they will call witnesses in relation to both highways safety and also the noise and general disturbance issue.

b) Publicity

No formal publicity has been carried out by the Council in respect of this recommendation.

c) Consultations

Streetpride (Transportation Infrastructure Service) – Consider that there are significant difficulties in defending the appeal on highway safety grounds and that the highway reason for refusal be withdrawn.

Conclusions:

Recommendation 1: Highways

Having had regard to i) the Transportation Unit's considered position in respect of the highways safety implications of the proposed development; ii) the advice received from other consultants as mentioned above; iii) the overall prospects of evidence in relation to the identified safety concerns being of sufficient weight to persuade an Inspector on appeal that the highways reason for refusal should be upheld; iv) advice received from Counsel; and v) the requirement for the Council to keep its case under review at all stages of the appeal process (along with the potential costs consequences of unreasonably failing to do so), officers recommend that Members now vote to withdraw the first ground for

Recommendation 2: Noise and general disturbance

Officers recommend that this ground for resisting the appeal is maintained.