

PLANNING REGULATORY BOARD

**Date:- Thursday, 4 April 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 14th March, 2019 (herewith) (Pages 2 - 6)
6. Deferments/Site Visits (information attached) (Pages 7 - 8)
7. Development Proposals (herewith) (Pages 9 - 109)
8. Updates
9. Date of next meeting - Thursday, 25th 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, 14th March, 2019

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

Apologies for absence:- Apologies were received from Councillors Andrews and Tweed.

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

Councillor Williams declared a personal interest in application RB2018/0662 (demolition of existing buildings and erection of 66 No. dwellinghouses with access, parking, landscaping and other associated ancillary works at land off Melton High Street, Wath upon Dearne) on the grounds that a member of his extended family worked at the local school and lived in the caretaker's bungalow.

88. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 21st February, 2019, be approved as a correct record of the meeting.

89. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

90. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

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

- Demolition of existing 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. (RB2018/0662)

Mr. R. Hart (Objector)
Mrs. M. Hart (Objector)
Dr. D. Plews (Objector)

Councillor D. Roche (Objector)

- Proposed use for plant, machinery and equipment auction scheme for a temporary 12 month period at Maltby Colliery Tickhill Road Maltby for Hargreaves Land Limited (RB2019/0127)

Mr. L. Weatherall (Applicant)

(2) That, with regard to application RB2018/0662:-

(a) subject to a legal agreement with the applicant for the purposes of securing:-

- Provision on site of 6 No. 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.

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report and further subject to an amendment to update the list of approved plans in Condition 2 to include the following:-

- Overall Planning Layout Ref: HFWM-2017-01H
- Clayton (Village) ref: HFWM-CA-WD16 Rev 0

(3) That applications RB2018/0037 and RB2019/0127 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(4) That, with regard to application RB2019/0044:-

(a) subject to a legal agreement with the applicant for the purposes of securing a commuted sum of £1,700 towards off-site Affordable Housing;

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report.

(5) That, with regard to application RB2019/0154:-

(a) subject to 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:-

- 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) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report.

91. PROPOSED TREE PRESERVATION ORDER NO 9, 2018 - LAND AT DOCTOR LANE, THE HOP INGE AND SERLBY LANE, HARTHILL

Consideration was given to a report of the Assistant Director of Planning, Regeneration and Transport concerning the proposed confirmation and serving of Tree Preservation Order No. 9 without modification with regard to the ten trees 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.

The report detailed the various objections to the making of this Tree Preservation Order, the Tree Service Manager's considerations to the support and the objections and also made reference to an application to fell 1 No. Sycamore tree protected by Tree Preservation Order (No.2) 1971 at No. 8 Doctor Lane (RB2018/1145).

The applicant had appealed the refusal of consent to the Secretary of State, but due to the age of the original Tree Preservation Order dating back to 1971 the Council could not locate the original legal documents and as such it was, therefore, necessary to serve a new Tree Preservation Order in order to protect the tree to the rear of No. 8 Doctor Lane, as well as other trees protected under the 1971 Tree Preservation Order. Furthermore the new Tree Preservation Order allowed the Council to reassess the trees in the area and to ensure that only those of good quality were protected. The current appeal was still undetermined and awaiting the outcome of the new potential confirmation.

The Council's Tree Service Manager had recommended ten trees in the area were protected as part of a new Tree Preservation Order, including the tree to the rear of No. 8 Doctor Lane.

In accordance with the right to speak procedure, Mr. and Mrs. Boot (Objectors) attended the meeting and spoke about this proposed Order.

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 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.

92. UPDATE TO APPEAL AGAINST REFUSAL OF APPLICATION FOR CONSTRUCTION OF AN EXPLORATORY WELL ON LAND AT DINNINGTON ROAD, WOODSETTS

Further to Minute No. 29 of the meeting of the Planning Board held on 7th September, 2018 consideration was given to the report of the Assistant Director of Planning, Regeneration and Transportation which detailed formal notification from the Planning Inspectorate that an appeal against the refusal of planning permission had been received and which would be determined by Public Inquiry from Tuesday, 11th June, 2019.

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.

Responses were received from five separate consultants, who had reviewed the information but were unable to provide a robust case to support the reason for refusal. One further consultant had indicated that they would be prepared to provide expert evidence, in support of the highways reason for refusal, but the information provided was 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.

Having reviewed the information raised by Members in relation to safety concerns and recognising that the concerns were valid, it was considered that these concerns would not warrant a refusal of planning permission for the proposed development.

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

The reason for refusal on noise and general disturbance would stand and be defended.

Woodsetts Against Fracking (WAF) have gained 'Rule 6' status, which meant they would have equal standing to the Council and the Appellant at the Public Inquiry. Officers understood that WAF had instructed Counsel and a planning consultant to represent the group at the Inquiry. WAF have also indicated that they would call witnesses in relation to both highways safety and also the noise and general disturbance issue.

In accordance with the right to speak procedure, Mr. R. Scholey (WAF) attended the meeting and spoke about the request to withdraw the first ground for refusal on highway grounds.

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

93. UPDATES

There were no updates to report.

94. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 4th April, 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 4 APRIL 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.

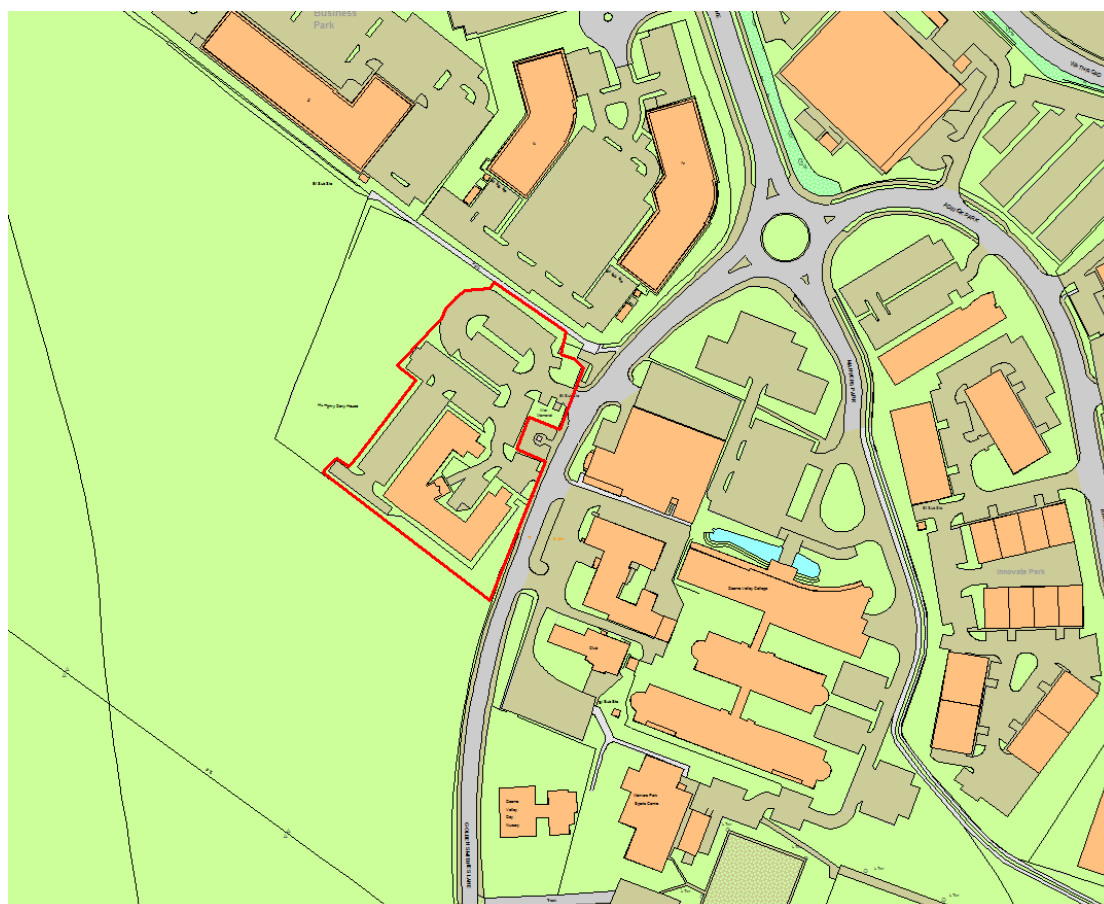
INDEX PAGE

RB2018/1172 Conversion, extension and change of use of existing building to create 109 No. apartments (use class C3) at Humphrey Davy House Golden Smithies Lane Swinton for The Lettings Room Ltd	Page 10
RB2018/1236 Erection of 94 No. dwellinghouses including new access road & landscaping at land to the South Wood Lane Treeton for Jones Homes (Yorkshire) Ltd	Page 36
RB2018/1683 Erection of industrial unit (use class B2) with ancillary warehouse, office building and boundary fencing at land off Todwick Road Dinnington for United Caps	Page 70
RB2018/1692 Change of use to restaurant (use class A3) at 151, 153 & Unit 6 The Courtyard Bawtry Road Wickersley for Seasons Restaurant	Page 102

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 4th APRIL 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	RB2018/1172
Proposal and Location	Conversion, extension and change of use of existing building to create 109 No. apartments (use class C3) at Humphrey Davis House, Golden Smithies Lane, Swinton
Recommendation	<p>A That the Council enter into an Agreement 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"> • Commuted sum of ££119,280 in lieu of on site Affordable housing provision <p>B Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>



Site Description & Location

The application site consists of Humphrey Davis House on Golden Smithies Lane. The site is opposite Dearne Valley College. The building is a large 3/4 storey building which is currently vacant and is falling into a state of disrepair. There is a large car park area to the north and west of the building, the southern boundary adjoins the Green Belt. There is also a memorial garden adjacent to the site. A bus stop lies outside of the site on Golden Smithies Lane and footpath No.3 Wath along the northerly edge of the application site.

There are trees around the boundaries of the site and some within the existing car park area

The building was constructed under the Enterprise Zone as an office building but it appears not to have been used as an office. It was used as a campus of Sheffield University (Nursing and Midwifery unit) for teaching facilities for a number of years but has been vacant for approximately 10 years.

Background

RB1997/0001EZ - Details of the erection of B1 office development (matters reserved by the Enterprise Zone Planning Scheme) - Granted

RB2001/0994 - Details of use of land as a car park (reserved by the Enterprise Zone Planning Scheme) – Granted

RB2018/0234 - Prior Notification for the Proposed Change of Use of a building from an Office Use (Class B1(a)) to Dwellinghouses (Class C3) 109 units – Refused for the following reasons:

“The proposed development does not comply with the criteria of Class O, Part 3 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016, since the authorised use of the application premises do not fall within B1 (a) (offices) of the Schedule to the Use Classes Order 1987 (as amended). The proposed development does not therefore constitute permitted development.

No supporting evidence has been submitted demonstrating that the building was not in use on 29th May 2013 or before that date for a use falling within Class B1(a) (offices) of the Schedule to the Use Class Order, therefore, cannot be considered permitted development under Schedule 2, Part 3 Class O.1 (b) (i) of the Town and Country Planning (General Permitted Development) Order, 2015.”

Community Infrastructure Levy

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

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

Proposal

This application seeks permission for the change of use of the existing building to residential apartments and an extension to the existing building. The conversion and extension together proposes 109 no. apartments. The car park directly to the north of the building is not included within the red line boundary of the site.

The proposed extension is to the west elevation of the building and follows the form, height and design of the existing building.

The proposal will create 48no. studio apartments, 52no. 1 bedroom apartments and 9no. 2 bedroom apartments.

It is proposed to close one access into the site and retain the existing access closest to the northern boundary. It is further proposed to install gates set back from the highway to control access to the car parking area.

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

Design and Access Statement

The submitted Design and Access Statement concludes that :

“The proposed scheme represents a sustainable form of development which would pay sufficient respect to the character of the site and surrounding area. The above document demonstrates that the proposal would result in a high quality residential scheme which would strike the appropriate balance between the need to deliver new housing in the area and the need to promote high quality design. The applicant remains willing to discuss all matters relating to design and access with the LPA during the consideration of the application.”

Planning Statement

The Planning Statement states that:

“The proposed development represents a sustainable form of development that would not have any unacceptable impact for the reasons set out above. The proposal would sufficiently accord with adopted planning policy and guidance and the LPA are respectfully urged to grant permission for the scheme.”

Transport Statement

The Transport Statement sets out a number of initiatives for inclusion within a Travel Plan including:

- The site layout provides safe and convenient access for pedestrians and cyclists to link to footways adjacent to the public highway. Appropriate levels of lighting will be provided along selected routes within the site.

- A Travel Plan Co-ordinator is to be appointed for the residential development. This appointment will be made 3 months prior to the marketing of the units on site and will continue for a minimum of 5 years after full occupation (95%) of the site. The TPC will coordinate all initiatives for the development in liaison with the Council's Travel Plan Officer including monitoring and reporting.
- On first occupation of each residential unit, the residents will be provided with a Travel Information Welcome Pack. Details of the on site facilities will be provided in the pack.
- The TPC will promote walking, cycling and the use of public transport and electric car use.

Flood Risk Assessment

This document states that it is recommended that additional investigatory works will be required. To better inform the drainage design and management following the construction of the proposed development.

The main recommendation is for a formal topographic survey of the site. This would allow for a better appreciation of the elevation on site and how the site drains. This would supplement the information gathered on the site walkover and would be useful in providing details on site drainage.

To help manage surface water runoff from the site, the following SuDS features have been recommended:

- Rainwater Harvesting;
- Proprietary Treatment Systems;
- Trees/Vegetation;
- Attenuation Storage Tanks.

Affordable Housing Statement

The Affordable Housing Statement states that:

"During pre-application discussions with the LPA, it was explained that the LPA would not be seeking on site affordable housing provision. An off site contribution will therefore need to be negotiated. This will need to take into account:

- a) The application of Vacant Building Credits given the current vacant nature of the building;
- b) Financial viability of the scheme given that it is not situated in a high value area and that significant costs are likely to be involved in the conversion process."

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 industrial and business purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

CS1 'Delivering Rotherham's Spatial Strategy'
CS3 'Location of New Development'
CS6 'Meeting the Housing Requirement'
CS7 'Housing Mix and Affordability'
CS14 'Accessible places and Managing Demand for Travel'
CS19 – 'Green Infrastructure'
CS21 'Landscapes'
CS22 'Green Space'
CS24 Conserving and Enhancing the Water Environment
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS25 'Dealing with Flood Risk'
CS33 'Presumption in favour of Sustainable Development'
SP16 'Land Identified for Industrial and Business Uses'
SP 17 'Other Uses within Business, and Industrial and Business Areas'
SP26 'Sustainable Transport for Development'
SP32 'Green Infrastructure and Landscape'
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'
SP62 'Safeguarding Community Facilities'
SP64 'Access to Community Facilities'

Other Material Considerations

South Yorkshire Residential Design Guide.

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched. It was last updated on 17th September 2018.

National Planning Policy Framework: The NPPF came into effect on July 24th 2018 (replacing the original 2012 version). 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 has been advertised by way of press notice, site notice and individual letters to neighbouring properties. One letter of objection has been received from a local resident on the following grounds—

- Will there be sufficient car parking?
- Increased traffic on Golden Smithies Lane which is already heavily trafficked with long queues.
- The 40 mph speed limit is too high
- Golden Smithies Lane is already dangerous, and using the footpaths can also be dangerous.

Consultations

RMBC - Transportation and Highways Design – No objections subject to a contribution of £500 per unit towards sustainable travel measures in line with the Council's Sites and Policies document should be provided.

RMBC: Public Right of Way - note that public footpath No. 3 Wath runs along the northern boundary of the site. A solid high fence would not be suitable along the boundary with the footpath as it would create a tunnel for users.

RMBC - Leisure and Green Spaces Manager – originally raised concerns regarding the quantum of green space provided, however following the submission of amended plans that show an increase in area, these concerns have been withdrawn.

RMBC - Landscape Design – originally raised concerns regarding the lack of communal space and potential views for future occupants over a large car park. Following the submission of amended plans which include an additional area of open space, these concerns have been withdrawn and the proposal is now considered to be policy compliant.

RMBC – Drainage – raise no objections subject to recommended conditions.

RMBC - Affordable Housing Officer – acknowledge that the building has been vacant for a number of years. Accordingly, vacant building credit can be applied to the planning application and affordable housing contribution can only be sought on the additional floor space. An agreement has been secured with the applicant for a commuted sum of £119,280 in lieu of on-site delivery for this scheme.

RMBC - Environmental Health – acknowledge that the site lies within an existing commercial/light industrial area. As such there is the potential for noise nuisance to affect proposed residential dwellings from existing developments. A condition requiring the submission of a noise assessment is therefore recommended prior to the commencement of development.

RMBC – Education - This will fall under the CIL for Primary and Secondary Education.

Rotherham NHS – note that there are enough practices in the area to accommodate all the residents of the proposal so are happy to support the proposal.

Yorkshire Water – No objections subject to recommended conditions, however they note that the content of the Flood Risk Assessment is not acceptable.

South Yorkshire Fire and Rescue – note that access for appliances should be in accordance with Approved Document B, Volume 2, part B5, Section 16 and water

supplies should be in accordance with Approved Document B, Volume 2, part B5 section 15.

South Yorkshire Police – recommend that the development is designed to Secure by Design standards.

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 the development
- Design, layout and scale
- Provision of open space on the site
- Transportation issues
- Drainage and flood risk issues
- Landscape matters
- General amenity issues
- Heritage issues
- Affordable Housing provision
- Planning Obligations

The principle of the development

The application site is allocated for Industrial and Business Use in the Local Plan.

SP16 'Land Identified for Industrial and Business Uses' states: *"Within areas allocated for industrial and business use on the Policies Map, development proposals falling within Use Classes B1b and B1c, B2 and B8 will be permitted. Offices falling within Use Class B1a will only be acceptable where they are ancillary to the main proposed use or the proposals satisfy the requirements of Core Strategy Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' and other relevant planning policy.*

Other uses will be considered on their merits in line with Policy SP 17 'Other Uses Within Business, and Industrial and Business Areas'.

As the application is for residential use, which is not identified as acceptable within the above policy regard should be had to policy SP17. This states that *"Within areas allocated for business, or industrial and business use on the Policies Map, proposals for alternative uses other than those identified as not acceptable in Policy SP 15 'Land Identified for Business Use' will be considered positively having regard to other relevant planning policies and whether the following criteria are satisfied:*

1. *it can be demonstrated that the continued use of the site for business or industrial purposes would cause unacceptable planning problems which cannot be adequately mitigated, and alternative proposals are compatible with adjacent existing and proposed land uses, and the impact on amenity can be appropriately mitigated; or*
2. *proposals are compatible with adjacent existing and proposed land uses and any impact on amenity can be appropriately mitigated; and either*
 - a) *proposals positively contribute to the range and quality of employment opportunities in the borough; or*
 - b) *the site is no longer required for employment use on the basis that adequate provision of employment land would remain within the borough to meet its economic strategy and development needs (based upon an assessment of existing land supply including amount, type, quality and use of land, and current and future demand), or, the site is no longer viable for employment use as demonstrated by:*
 - i. *having been marketed for at least 12 months, including both traditional and web-based marketing, and regular advertisement in local, regional and / or national publications as appropriate; and*
 - ii. *opportunities to re-let premises having been fully explored; and*
 - iii. *the premises / site having been marketed for sale or to let (as appropriate), at a price which is commensurate with market values (based on evidence from recent and similar transactions and deals); and*
 - iv. *the terms and conditions set out in the lease being reasonable and attractive to potential businesses, and that no reasonable offer has been refused.*

The information to be submitted by applicants to satisfy criterion 2b and the steps taken to assemble that information will be assessed on a case by case basis.”

Having regard to the above policy, it is worth noting that the building was constructed under the Enterprise Zone designation for B1a offices, however the building has never been used for such purposes and was occupied solely by the University of Sheffield for D1 educational purposes. Taking this into consideration, the applicant has stated in their supporting information that Point 1 of Policy SP17 is ‘largely irrelevant given that the established use is non-conforming’. Whilst the LPA do not wholly agree with this statement, it is considered that the site has never contributed to the provision of employment uses and has been vacant for in excess of 10 years. Accordingly, the continued use as an educational facility would not meet the requirements of Policy SP16.

The second criteria requires applicants to demonstrate that the proposed use is compatible with adjacent land uses and any impact on amenity can be appropriately mitigated and either positively contribute to the range and quality of employment opportunities or demonstrate that the site is no longer required for employment use.

In considering whether the proposed use is compatible with adjacent uses, the applicant has worked with the LPA to ensure that the proposed use is compatible with adjacent land uses. In order to protect future occupiers and existing industrial operators a condition is recommended to require the submission of a noise assessment which will determine whether any noise insulation is required. Accordingly, no objections have been received from consultees and/or stakeholders in relation to the standard of living

environment that would be created within the site. Furthermore, the amended layout and landscaping addresses concerns relating to on site green space provision. It is therefore considered that the proposal is compatible with adjacent existing and proposed land uses as it would not harm the ability of neighbouring businesses to operate in the future and any impact on amenity of future residents can be appropriately mitigated by the imposition of suitably worded conditions.

As previously stated, the site has never been used for a purpose which conforms with policies SP16. The applicant has stated that “To conform with the allocation it would be necessary for a developer to convert the building to B1b, B1c, B2 or B8 usage. A simple inspection of the site would make it clear that such uses would not be feasible at this site without significant investment and no company would seriously consider renting the building and carrying out such investment.”

The applicants have provided evidence of the marketing that has been undertaken for this site. SMC marketed the property since 2007. Within the 10 year period they had 20 interested parties that took it further than initial enquiry, with only a ‘religious organisation’ proceeding on an agreed offer but ultimately failing to secure the premises because terms could not be agreed. Very few of the 20 interested parties took it much further than initial enquiry. The property was widely exposed to the market, advertised in Estates Gazette, Property Week, Sheffield Star, EG Propertylink, Rightmove (for a while), Zoopla, Movehut, Costar, and other websites, along with several large mailshots to agents and various categories of potential purchasers.

Further evidence has been provided relating to the state of the financial market when the premises were first marketed. The applicant has confirmed that “the property went on the market just before the global financial crisis and shortly after Enterprise Zone status ended. There was a catastrophic collapse in demand for offices in the Dearne valley which had previously been artificially buoyed by EZ status. There were cases where offices previously valued at several millions of pounds were being sold by receivers for hundreds of thousands of pounds”. The applicant goes on to state that “the market values have still not recovered to anything like pre-recession levels and demand for office buildings of this size (i.e. 45,000 sq ft) is weak at this location.”

The Council’s RiDO department do not disagree with this statement and as such this point is accepted.

In light of the circumstances discussed in the preceding paragraphs, the additional information submitted by the applicant to satisfy the requirements of policy SP17, together with the fact that the building has been vacant for a number of years and is unlikely to come forward for speculative office provision given its size; it is considered, that the proposed development satisfies the requirements of Policy SP17 and guidance contained within the NPPF.

Turning to the site’s lawful use as an educational facility falling within the D1 use class, Policy SP62 ‘Safeguarding Community Facilities’ states:

Those areas allocated on the Policies Map for Community Facilities will be retained or developed for such purposes. In addition, land or buildings currently used or last used for community purposes, including sport and recreational facilities but not identified as such on the Policies Map will be similarly safeguarded.

Development involving the loss of existing sports and recreational buildings will only be

permitted where:

- a) an assessment has been undertaken which has clearly shown them to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

Development proposals which involve the loss of other community facilities shall only be permitted where the Local Planning Authority is satisfied that adequate alternative provision has been made or where some other overriding public benefit will result from the loss of the facility, or that the retention of the land or building in community use is no longer viable, on the basis that:

- d) the site or premises have been marketed to the Council's satisfaction for at least 12 months and included both traditional and web-based marketing, and regular advertisement in local, regional and / or national publications as appropriate; and*
- e) opportunities to re-let premises have been fully explored including the formation of a social enterprise or charitable group that can take over the premises; and*
- f) the premises / site have been marketed at a price which is commensurate with market values (based on evidence from recent and similar transactions and deals); and*
- g) it has been demonstrated that the terms and conditions set out in the lease are reasonable and attractive to potential businesses, and that no reasonable offer has been refused."*

In considering this application, the proposal would fall under the second part of Policy SP62 and points d. to g. are therefore applicable.

The previous owners of the site, The University of Sheffield have been approached by the applicant to confirm why they no longer need the building for educational purposes. Unfortunately they have not responded to these requests, however press cuttings at the time of closure state that the University was unable to fulfil a contract to provide midwifery training at the site, leading to its ultimate closure and disposal.

The preceding paragraphs have considered the extent of the marketing carried out for the premises and it is clear that there has been little or no interest from any community based operators during the 10 years of marketing. It is noted that the site was marketed primarily for B1(a) use and comparisons of sales values have been made to other similar uses in the immediate area, however enquiries were made from a religious organisation which proceeded on an agreed offer but ultimately failed to secure the premises because terms could not be agreed. Accordingly, it is accepted that the premises were marketed at a price which is commensurate with market values.

Having considered all of the above, it is accepted that the use as an educational facility is surplus to requirements and has been for a number of years, the site has been adequately marketed at a price commensurate with market values and as such meets the requirements of Policy SP62.

Policy SP64 'Access to Community Facilities' states: "*Residential development should have good access to a range of shops and services. On larger scale residential*

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

The site is located within a sustainable location in terms of proximity to public transport stops, which are located immediately adjacent to the site on Golden Smithies Lane. It is however accepted that the site is not located within 800m to a local convenience shop and a reasonable range of other services or community facilities. However, given the proximity of the bus stops which serve a local bus route to outlying towns and villages on a half hourly basis, future residents would be ideally situated to maximise these routes. Furthermore, services within a 5km cycle catchment area include 3 rail stations, hairdressers, takeaways, churches, public houses, mini supermarket and a doctor's surgery. It is therefore considered that whilst the site does not conform to the 800m walking distance to local services, there are alternative modes of public transport available which provide a frequent bus service to many local centres including Barnsley, Stairfoot, Wombwell, Wath upon Dearne, Manvers, Goldthorpe and Thurnscoe. Accordingly, the site is not considered to be isolated or remote from services/ amenities, and as a consequence future residents would not be overly reliant on private vehicles to access such facilities.

Design, layout and scale

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

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

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

The National Planning Practice Guidance, notes at ID: 26-004-20140306 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 South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

The site is located within a mixed use area which includes educational facilities, offices and manufacturing sites. The site itself comprises a former academic building constructed over four floors. The building is externally clad in brick and features glazed aluminium windows. The roof is of hipped design and the building is an imposing and prominent feature in the local landscape.

Full planning permission is sought for the conversion of the existing building together with an extension to the west elevation to create 109 apartments. The conversion of the existing building will not involve any alterations to the external elevations.

The proposed extension has been designed to provide accommodation over three floors and incorporates a hipped roof to reflect that of the host building. The materials to be used in the construction of the external elevations are also proposed to match the main building. Accordingly it is considered that the scale, siting and external appearance of the proposed extension is considered to be acceptable and accords with the provision of Policies CS28 Sustainable Design and Policy SP55 Design Principles together with guidance set out in the NPPF and SYRDG.

Impact on existing/proposed residents.

Policy SP55 ‘Design Principles’ states, in part that: *“the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing.”*

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

The building to which the application relates is located within the south eastern corner of the wider site, close to the shared boundary with the Green Belt. As a consequence it does not share a boundary with any other building. The potential to overlook existing properties is therefore irrelevant in this instance.

In assessing the impact of residential amenity on future residents, The South Yorkshire Residential Design Guide (SYRDG) notes that: *“For the purposes of privacy and avoiding an ‘overbearing’ relationship between buildings, the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth.* In this instance the only properties that are affected are the apartments overlooking the central courtyard, however these are located in excess of 24m between

the 'wings' and are therefore considered to be acceptable and will not result in any loss of privacy or have an overbearing impact.

Having regard to the internal arrangements, it is proposed to provide a total of 109 apartments comprising of 48 studios, 52no. 1 bedroom flats and 9no 2 bedroom flats. The South Yorkshire Residential Design Guide sets out guidance for minimum standards for internal spaces, these include 33sqm for studios, 46sqm for 1 bedroom apartments/dwellings and 62sqm for 2 bedroom apartments/dwellings. The proposed internal layout has been designed to broadly reflect these requirements with only a small number of being deficient by 1sqm or less. Accordingly it is considered that the proposed development will provide an acceptable quality of living accommodation for future residents of the development.

Taking all of the above into account it is considered that the proposed development will have an acceptable relationship with existing premises and will provide an adequate level of accommodation without having an overbearing impact. The proposals therefore comply with the provisions of Policy SP55 'Design Principles', guidance contained within the SYRDG and the NPPF.

Provision of open space on the site

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

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

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

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

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

Having regard to Policy SP37, this states that schemes above 36 dwellings or more should provide 55sqm of green space per dwelling, however the supporting text goes on to state:

"Green space requirements in new development have been calculated by applying a figure of 24 square metres per resident to a standard occupancy rate multiplier of 2.3 persons per dwelling."

Having regard to this, the applicants were asked to supply information relating to expected occupancy levels and based on experience of similar apartment blocks in comparable areas have concluded that typically they expect occupancy to be at around 80% at any one time.

Using the figure of 24m² per head, the following figures are provided:

- 9 x 2 bedroom flats contains 18 people in total
- 52 x 1 bedroom flats (5% approx containing 2 persons) containing 55 people in total
- 48 x studios (all likely to contain 1 person) containing 48 people in total

The total capacity would therefore be in the region of 121 people, however using an occupancy rate of 80% this would equate to a total of approximately 96 residents on site at any one time.

With this in mind, if the 96 residents are multiplied by the required 24m² this equates to a requirement of 2,304m² of green space to be provided on site. Accordingly, the applicants have submitted an amended plan which shows the provision of an additional area of amenity space uplifting the total area of amenity space within the site to 2,308m².

The provision of this additional space is welcomed and whilst it is less than the amount normally required if the standard of 55m² per unit were applied, it is acknowledged that the scheme provides primarily studio and 1 bedroom apartments which are unlikely to attract families and larger households. Accordingly it is considered that the proposed development accords with the provisions of Policies CS22 'Green Space' and SP37 'New and Improvements to Existing Green Space'.

Transportation 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 application seeks to convert the existing educational building with a small extension to provide 109 apartments. There are currently circa 150 parking spaces on site and

vehicular access to the development will be via Golden Smithies Lane utilising the existing northern access with the southern access being permanently closed.

The site is located approximately 1.47km to the east of Wath upon Dearne and is located close to other local centres such as Swinton, Mexborough and Bolton upon Dearne. There are bus stops on Golden Smithies Lane within 150m of the site. Both have the benefit of passenger shelters and timetable cases. The local service that currently utilise these stops is Service no. 226. This provide a regular half hourly week day service to the large town of Barnsley, Stairfoot, Wombwell, Wath upon Dearne, Manvers, Goldthorpe and Thurnscoe and an hourly service on a Sunday.

There are railway stations at Swinton, Mexborough and Bolton upon Dearne within the catchment area. These stations are on the Dearne Valley and Wakefield lines and provide regular services to Sheffield, Wakefield, Rotherham and Leeds plus many other local stations.

Having regard to pedestrian accessibility, the majority of Wath upon Dearne, and parts of Swinton and Bolton upon Dearne are within the 2km walking distance of the site. There are pedestrian refuge islands at the roundabout junctions and at strategic points along the major routes aiding safe pedestrian movement across these busy routes. Public rights of way are available to the north and south of the application site. Wath no. 26 provides a connection to the south of Wath upon Dearne and a link to the comprehensive school and the footpath to the north, Wath no. 3 provides a link to the town centre. it is concluded that safe and convenient access to the site is readily available for pedestrians.

Having regard to the above, it is considered that the site lies within a relatively sustainable location in that it is well located, close to public transport modes. To supplement this, a condition is recommended that requires the applicant to submit a Travel Plan that will set out how the use of sustainable travel will be promoted, in line with Policy SP26 'Sustainable Transport for development'.

Having regard to the proposed layout, it is acknowledged that amended plans have been submitted during the determination of the application; this has resulted in the loss of some parking spaces. Nevertheless a total of 117 car parking spaces are proposed and whilst this is less than the Council's parking standards for new residential development, no objections are raised given the location of the site, in proximity to good public transport links.

Access and egress to the site will be gained via the existing northern access point with the southernmost access being permanently closed. This arrangement has been considered by the Council's Transportation Infrastructure Service, who have confirmed that it is acceptable and will not have a detrimental impact on highway safety.

Having had regard to all of the above, the proposed development is considered to be acceptable and in accordance with the requirements of Policies CS14 'Accessible Places and Managing Demand for Travel and SP26 'Sustainable Transport for development' together with guidance contained within the NPPF.

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, 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) inappropriate 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.”*

A Flood Risk Assessment has been submitted in support of the application which confirms that that site lies within a Flood Zone 1 as identified on the Environment

Agency's flood maps. Furthermore, the proposal would not result in a substantial increase in built form and as such would not give rise to an unacceptable risk of flooding at any other site.

A drainage strategy is included within the FRA which states that foul effluent generated by the development would ultimately discharge into the existing Yorkshire Water combined sewer that runs across the site. In relation to surface water this will entail the continued use of the existing surface water drainage network to dispose of surface water runoff. There is some potential scope to use infiltration drainage techniques. Some SuDs have the potential to be utilised, including rainwater harvesting and trees/vegetation, however the detail of which is recommended to be secured via a suitable worded condition. This approach is welcomed by the Council's drainage Engineer and Yorkshire Water who raise no objections to the proposed development subject to conditions.

Landscape 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."*

Policy SP32 'Green Infrastructure and Landscape' goes on to state in part that: *"The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development and to meeting needs of future occupants and users."*

The site currently forms part of the extensive industrial estates centred along Manvers Road and described as the Manvers Golden Smithies Industrial Area. The southern boundary of the site is defined by Green Belt and the Dearne Green Infrastructure Corridor runs along Doncaster Road forming the northern boundary. The site is on the edge of the Wath and Swinton Farmlands – Swinton Racecourse Character Area. The majority of the application site is dominated by car parking, with a small garden and war memorial housed within the site but out of the application boundary.

Concerns were raised that the original submission offered little in the form of on-site green space and views of extensive car parking areas would offer little in terms of visual amenity from many of the proposed residential units. Discussions with the applicant during the determination of the application has resulted in the provision of additional areas of on-site green space in lieu of car parking areas which provides a much

improved aspect and amenity to the future occupants. The proposal now provides open space to the east and south of the existing building which is sufficient in area to provide outdoor seating and two larger areas to the west and within the central courtyard that provide larger areas for future residents to enjoy. Each of these areas includes amenity planting, trees, native hedges and grassed areas. Additional tree/amenity planting is also proposed to break up the hardstanding which is currently the car park to the north and the retention of the mature hedge/boundary planting along the southern boundary ensure the impact of the development on the Green Belt beyond is kept to a minimum.

The Council's landscape department have assessed the revised landscape plan and consider that the site location offers a number of benefits that could be associated with a residential development. The revised landscape scheme offers new onsite Green Infrastructure (GI) assets and as accord with the provisions of Policies CS19 Green Infrastructure, CS21 Landscapes and Policy SP32 Green Infrastructure and Landscape.

General amenity issues

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."*

The site is located within a wider industrial and business area where industrial premises are located immediately to the north of the site and Dearne Valley College is located on the opposite side of Golden Smithies Lane to the east. The building is located

approximately 70m from the boundary to the north which is shared with an industrial operator and whilst it is proposed to retain the existing mature planting along this boundary there is the potential for noise nuisance to affect the proposed residential development from this operator. Nevertheless it is considered that this could be mitigated against through the installation of acoustic insulation, however to determine the extent of this it is recommended that a condition be imposed requiring the submission of a noise assessment prior to the commencement of any development on site.

Based on the above and subject to the implementation of any mitigation as required by the noise assessment, the proposed development is considered to comply with the requirements of Policies CS27 'Community Health and Safety' and SP52 Pollution Control

Heritage issues

Policy SP43 'War Memorials' states "*Where development proposals may impact upon War Memorials or their siting, Memorials should be retained in situ, if possible, or otherwise sensitively relocated following appropriate community consultation.*"

A War Memorial is located on the Golden Smithies Lane frontage and whilst it is adjacent to the application site, it is excluded from the red line boundary. The area surrounding the monument is well maintained and is accessible from Golden Smithies Lane. A mature tree and extensive planting frames the site, whilst a 1m high wall bounds the site on all sides.

The proposed development, being primarily a conversion of the existing building will have very little impact on this war memorial and as such it can be retained in situ. The development is therefore considered to accord with the provisions of Policy SP43 'War Memorials'.

Affordable Housing provision

Policy CS7 'Housing Mix and Affordability' states in part, that: "Sites of 15 dwellings or more..... shall provide 25% affordable homes on site."

Having considered the proposals and taking into account the history of the site, it is acknowledged that the premises have been vacant for approximately 10 years. Accordingly vacant building credit has been applied and an affordable housing contribution is only sought on the additional floor space.

In this regard the additional floorspace to be created equates to 884m². The affordable housing contribution should be the equivalent of 25% of the additional floor space which amounts to 221m².

After consultation with local Housing Associations it has been established that they no longer wish to purchase apartments in blocks where they do not own the whole building. This is due primarily to the fact that they do not control the leasehold so cannot cap fees for ground rent and service charges which in turn makes the properties in the blocks "unaffordable" especially for those who claim Housing Benefit as most service charges are excluded from this benefit. Also there is often a conflict of lifestyle issues and there are new national standards relating to fire regulations and fire safety checks now being

imposed on social housing providers. Housing Associations cannot therefore comply with these standards if they do not own the whole block and do not have the legal powers to impose the standards onto the other owners of the apartments in a block in order to cover the costs of these.

Taking all of the above into consideration it has been agreed with the applicant that the affordable housing contribution should be provided as a commuted sum and this should equate to 40% of the open market value for the equivalent number of units which make up the 221 m2 of floor space. This therefore been calculated to be £119,280 which will be paid by the developer in lieu of on-site affordable housing

Planning Obligations

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

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

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

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

This is echoed in Paragraph 56 of the NPPF.

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

- A commuted sum of £119,280 in lieu of on-site affordable housing provision

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 56 of the NPPF and the Community Infrastructure Regulations and are therefore considered to be acceptable.

Conclusion

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, it is recommended that planning permission be granted 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)

- Proposed Site Plan – Dwg No. 046-101 Rev E
- Proposed Elevations – Dwg No. 046-106
- Proposed Ground Floor Plan – Dwg No. 046-102
- Proposed First Floor Plan – Dwg No. 046-103
- Proposed Second Floor Plan – Dwg No. 046-104
- Proposed Third Floor Plan – Dwg No. 046-105
- Landscape Strategy – Dated 23/02/2019 Rev C

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

Details of secure, covered cycle parking shall be submitted and approved in writing by the Local Planning Authority. The approved details shall implemented before the development is brought into use.

Reason

To promote sustainable transport in accordance with the Local Plan.

05

A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the development is brought into use.

Reason

In the interests of the visual amenity of the area and in accordance with the Local Plan.

HIGHWAYS

06

Before the development is brought into use the existing southernmost vehicular access to Golden Smithies Lane shall be permanently closed to vehicles and the kerbline/footway reinstated.

Reason

In the interests of highway safety

07

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.

DRAINAGE

08

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

09

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:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum (30)% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

10

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, shall be 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 brought into use. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);

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

11

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that the development can be properly drained in accordance with the Local plan and the NPPF

12

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

Reason

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

NOISE

13

Prior to any above ground development or occupation of the existing building, a noise report carried out by a specialist noise consultant or suitably qualified person shall be submitted to and approved by the Local Planning Authority. The report shall assess the impact of existing noise sources on the proposed residential dwellings and shall be conducted in accordance with BS4142:2014 & CRTN (or similar).

Any approved recommendations and/or mitigation measures shall be implemented on site.

Reason

In the interest of the residential amenity of future occupiers of the development and in accordance with the Local Plan.

LANDSCAPE

14

No development shall commence, excluding internal works on the existing building, until 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 and prior to the occupation of the first apartment.

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.

15

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.

Informatives

01

The boundary treatment to the north of the site adjacent to the public foot path shall not be a high solid fence to avoid a tunnel affect being created for the footpath users.

02

The applicant is advised that access for fire appliances should be in accordance with Building Regulations Approved Document B volume 2 part B5 section 16. Water supplies should be in accordance with Approved Document B, Volume 2, part B5 section 15.

03

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.

04

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.

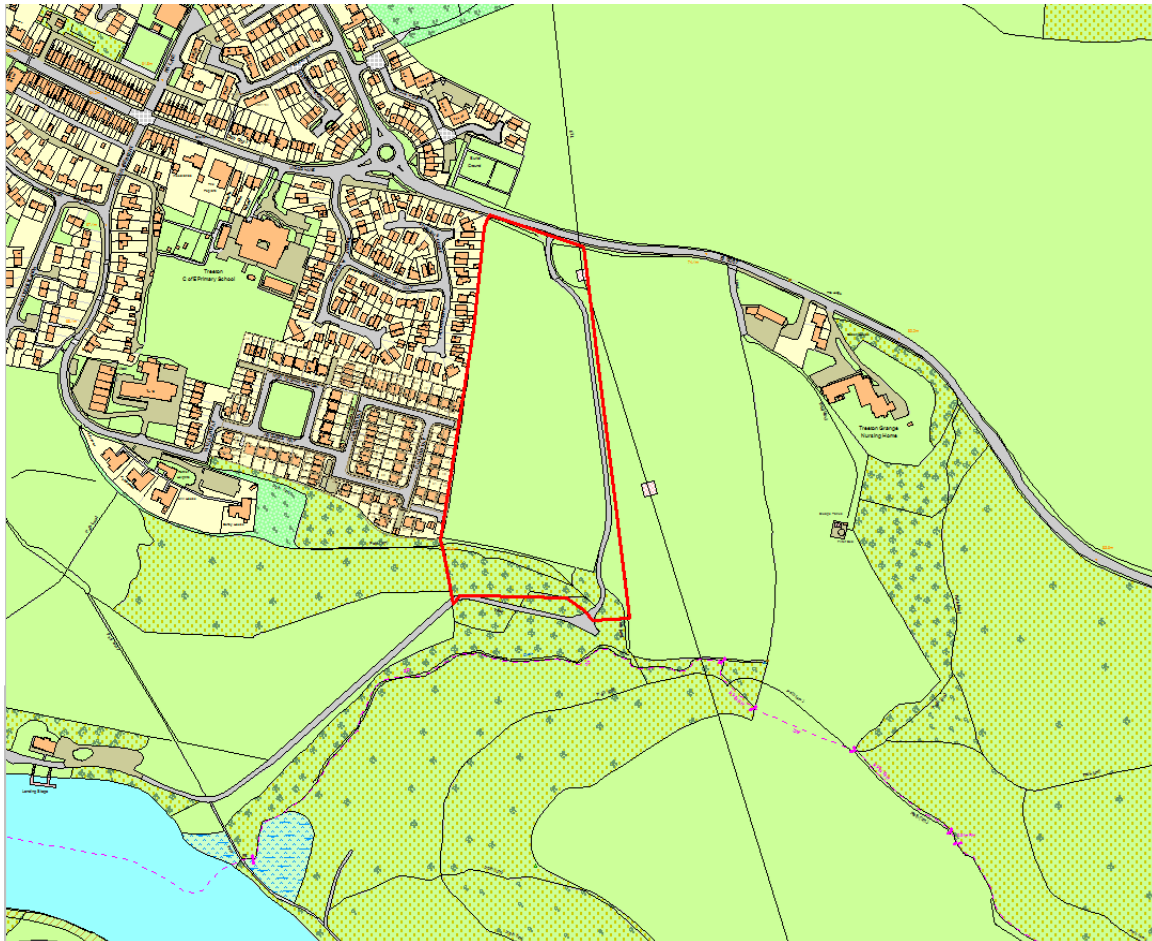
If you are permitted to have bonfires, you must ensure that any smoke produced does not cause a nuisance to neighbours. If a nuisance is witnessed, or if it is likely to occur, then Neighbourhood Enforcement would be required to serve an Abatement Notice upon you, prohibiting any further smoke nuisance. 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	RB2018/1236
Proposal and Location	Erection of 94 No. dwellinghouses including entrance feature, new access road & landscaping, land to the south of Wood Lane, Treeton
Recommendation	<p>A That the Council enter into an Agreement 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"> • 24.47% on site affordable housing provision and a commuted sum of £34,000 towards affordable housing in the area. • Commuted sum of £500 per dwelling towards sustainable transport measures • Commuted sum of £166,282 towards education provision at Treeton Primary School • Establishment of a Management Company to manage and maintain the areas of Green Space, including the proposed LAP. <p>B Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>

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 site is located to the south-eastern edge of the village of Treeton and is approximately 4.48 hectares in size.

The site is currently agricultural land, and features existing woodland to the south, along with an access track running along the eastern boundary from Wood Lane to Treeton Dyke to the south west of the site and serves the South Yorkshire Boat and Ski Club.

The site itself currently has no direct point of access, however the existing access road running through the site may act as indirect access from Wood Lane. An existing point of access for future development sits adjacent to the site's western boundary situated off of Carlton Way.

There is a large electricity pylon located in the north-eastern corner of the site, which is separated from the remainder of the site by the existing unnamed track which leads to Treeton Dyke, south of the site. An informal footpath runs along the rear of properties on Archers Way and Carlton Way before running along the southern boundary of the proposed development site and connecting up with Treeton Footpath No. 19 runs through the woods to the south of the site.

To the front of the site is a Colliery wheel feature, commemorating the former Treeton Colliery.

The application site includes an area of the woodland to the south of the site that is within the ownership of the applicant, with an area of approximately 0.9 hectares. To the south of this area is the main Hail Mary wood that is owned by the Council.

Background

Relevant Planning History

RH1968/5642 - 11kv overhead electricity line - GRANTED

Environmental Impact Assessment

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

Community Infrastructure Levy

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 applicant seeks full planning permission for the erection of 94 dwellings and associated works. The predominantly two storey dwellings would consist of a mix of 4 five bed houses, 40 four bed, 44 three bed and 6 two bed, and 23 of the dwellings (24.47%) would be affordable houses. The applicant has indicated that the dwellings will be constructed in a mixture of brickwork with red and grey concrete roof tiles.

A new access from Wood Lane would feed through the site, linking through to Carlton Way on the adjacent residential estate. The existing track that leads to the South Yorkshire Boat and Ski Club would be diverted at its current access point, being accessed off the new road into the development site, and a new gate would be erected to prevent unauthorised access along this track. It would then re-join the existing route of the track but be segregated from the development site, with pedestrian access to the track formed only at the bottom end of the development site, allowing pedestrian access into the wood to the south.

The existing Colliery wheel at the front of the site would be re-located into a newly created area of open space adjacent to the proposed access off Wood Lane.

A pumping station is proposed in the south eastern corner of the site which would pump foul waste up to the adjacent residential development. Surface water run-off will be disposed by the public surface water sewer. Attenuation storage will be underground in oversized pipes to the south-east corner of the site.

The scheme has been amended during the course of the application to include a full 15m buffer with the adjoining woodland to the south, 10m of which will be included within residential gardens. The applicant has also provided a small playground to be positioned over the surface water underground retention tank area, close to the

woodland. In addition minor internal alterations to the road network have taken place as well as house type changes at the request of Jones Homes.

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

Design & Access Statement

This states that it is considered that the proposed scheme meets the requirements of the brief, and both national and local planning policy and guidance, for the following reasons:

- The proposed development is wholly compatible in terms of national and local planning policy.
- The utilisation of the plot area to its full potential, providing increased provision whilst avoiding urban sprawl.
- The design of the site is in keeping with the local character of the immediate surrounding area of Treeton, and completes the street scene of the existing site developed by Jones Homes at Carlton Way, connecting the existing site to the proposed, enhancing the aesthetic of the outskirts of the village, and pulling vehicular traffic to and from the proposed residences away from Wood Lane.
- Careful consideration has been given to the location of new dwellings in relation to security but particularly privacy design standards and distances.

Transport Assessment

- The site is well placed for residents to make use of sustainable travel with a significant level of basic facilities lying within the 800 and 2km distances prescribed for walking. A wide range of local destinations and attractions lie within the acknowledged cycle distances of 5km, and access to the Woodhouse Railway Station can easily be achieved by cyclists, where, at the station, cycle parking facilities are available.
- In terms of the impact of the development, the industry standard TRICS data base has been used to provide an indication of the predicted peak hour traffic flows from the 94 units. Using appropriate examples the proposals are expected to generate a total of 43 two way vehicle movements in the typical AM peak hour and 42 vehicle two way movements in the typical PM peak hour.
- In the current AM peak there is a 27% to 73% split between west and eastbound movements on Wood Lane, and proportioning the predicted development flows in this manner indicates that in the hour 12 and 31 two way movements would occur on Wood Lane to the west and east of the site access respectively.
- In the PM peak traffic flows are evenly balanced and as such again proportioning the predicted development flows indicates that in the hour 21 two way movements would occur on Wood Lane to the west and east of the site access respectively.
- Within the peak hour these levels of movements are modest and should have no material adverse impact on the operation of the local highway system.

Biodiversity Report & Surveys

There are two statutory sites within a 2km radius of the proposed development boundary, Catcliffe Flash and Woodhouse Washland. Both the statutory sites are over 1km from the proposed development site and there is no feasible mechanism by which the small housing development could impact negatively upon them.

There are eight non-statutory sites within a 2km radius of the proposed development boundary. The nearest non-statutory site is Treeton Dyke, part of the sites is within the survey area, but outside of the development area. The development does have the potential to impact on Treeton Dyke LWS as a result of additional disturbance due to a potential increase in footfall, including dog walking, and the potential for an increase in anti-social behaviour including fly-tipping of garden waste over residential boundaries etc. No impact is expected on any of the other non-statutory sites of nature conservation interest within the search area. As the LWS is already bounded by other residential areas and is a popular local site for dog walkers who travel to the site by car, there is unlikely to be a significant negative impact. The site also has steep topography in places and during the site survey dog walkers were noted to adhere to the footpaths within the LWS which lessens any residual impacts.

2. The LWS has ornithological interest, but this is mostly associated with Forgemasters Tip and Treeton Dyke waterbody which are distant from the development boundary and negligible impacts are anticipated from the baseline.

3. As recommended a 5m buffer has been applied between the gardens at the southern part of the development nearest to the woodland edge of Treeton Dyke LWS. This buffer will help to mitigate any potential negative impacts as a result of fly tipping of garden waste and additional illumination of the woodland edge.

No impact is expected on any of the other non-statutory sites of nature conservation interest within the search area, including the Ancient Woodland to the south or to the east of the proposed development area.

The proposed development site at Treeton supports a range of habitat types and has some potential for protected/priority species to be present, these include:

- Bats, and
- Breeding/nesting birds.

It is recommended that a buffer of at least 5m is maintained from the woodland edge and the residential development.

It is recommended that any vegetation clearance be undertaken outside of the bird breeding season.

It is recommended that habitat enhancement is undertaken wherever possible. This should include the use of native plants, shrubs and trees of local provenance in the landscape scheme, integrating bat boxes into two of the houses with a southern aspect facing onto the woodland to the south, house sparrow terraces provided on a proportion of houses and hedgehog passes created in fences and garden walls to allow hedgehogs to safely move around the site and between gardens.

Bat Survey

There are no buildings or trees within the development area that had the potential support roosting bat. No impact on roosting bats was likely as a result of the proposed housing development. Bat activity across the site was low, activity was generally restricted to the woodland edges to the south, most of which was outside the proposed development area, and a small amount of activity associated with the track to the east.

A lighting strategy is recommended to avoid impacting on foraging and commuting bats.

In line with best practice, recommendations were made to enhance roosting habitat for bats as part of the development of the site.

Arboricultural Report

A full tree survey has been submitted with the application. The report has assessed the 15 individual trees and groups of trees to the edge of the site. The report finds that the trees all are either moderate or low quality, with no trees considered to be of a high quality.

Flood Risk Assessment

- The site is within Flood Zone 1 and is not at significant risk of flooding from any source.
- Surface water disposal will be to the 450 mm public surface water sewer located within the site boundary.
- Surface water discharge will be attenuated to 15.5 l/s.
- Attenuation storage will be accommodated underground in oversized pipes and will be sized for the 1 in 100 year plus climate change event.
- The level of risk and safeguards available are considered appropriate to this class of development.

Travel Plan

- States that the Travel Plan sets out a series of measures which will encourage changes in the travel patterns of residents and their visitors to the development from use of the single occupancy private vehicle to more sustainable forms of transport.
- The Travel Plan includes reference to compliance and enforcement of the Plan and to the required monitoring, review and reporting for the life of the Plan.
- It is considered that these measures will help to reduce the reliance on the private car, particularly single-person trips in the peak hours. In turn the numbers of trips by other modes of transport should increase thereby contributing to an improvement in both the operation of the local highway network and in the general environment.
- Jones Homes (Yorkshire) Ltd is committed to encouraging positive changes to the modes of transport used in connection with this development. These measures will help the viability and attractiveness of the overall site to the benefit of all occupiers.
- The Travel Plan will be further developed in conjunction with Rotherham Council and its stakeholders, once the development is operational and specific travel needs are identified.

Statement of Community Involvement

- The applicant has carefully considered the responses that were provided by interested parties and have made appropriate changes to the proposals as now submitted. A

further opportunity will be provided for residents to review the proposals once the planning application is validated by the LPA.

- The level and nature of consultation that has taken place is considered appropriate and suitable. The consultation has helped to create a better understanding of how local residents view the development of the site.
- As part of the decision making process the LPA will undertake another round of consultation with statutory consultees and local residents – providing another opportunity for comment.
- In conclusion, it is considered that the approach to consultation applied by the applicant is in accordance with the LPA's community involvement statement and that the development proposals on the whole, have responded positively to feedback received.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document (adopted on 27th June 2018) which replaces the Unitary Development Plan (UDP) that has now been superseded.

The application site was allocated for Green Belt purposes in the UDP, however, the recently adopted Sites and Policies Document removes the site from the Green Belt and allocates it for Residential use. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

- CS1 Delivering Rotherham's Spatial Strategy
- CS3 Location of New Development
- CS6 Meeting the Housing Requirement
- CS7 Housing mix and affordability
- CS14 Accessible Places and Managing Demand for Travel
- CS20 Biodiversity and Geodiversity
- CS21 Landscape
- CS22 Green Space
- CS23 Valuing the Historic Environment
- CS24 Conserving and Enhancing the Water Environment
- CS25 Dealing with Flood Risk
- CS27 Community Health and Safety
- CS28 Sustainable Design
- CS32 Infrastructure Delivery and Developer Contributions
- CS33 Presumption in favour of sustainable development

The Sites and Policies Document – June 2018:

- SP1 Sites Allocated for Development
- SP26 Sustainable Transport for Development
- SP32 Green Infrastructure and Landscape
- SP33 Conserving and Enhancing the Natural Environment
- SP34 Sites Protected for Nature Conservation
- SP35 Protected and Priority Species
- SP36 Soil Resources
- SP37 New and Improvements to Existing Green Space

SP39 Design and Location of Green Space, Sport and Recreation
SP42 Archaeology and Scheduled Ancient Monuments
SP43 Conserving and Recording the Historic Environment
SP47 Understanding and Managing Flood Risk drainage
SP52 Pollution Control
SP54 Contaminated and Unstable Land
SP55 Design Principles
SP56 Car Parking Layout
SP57 Sustainable Construction
SP64 Access to Community Facilities

Other Material Considerations

Other material considerations include as follows:

South Yorkshire Residential Design Guide

Manual for Streets

Council's Car Parking Standards

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 revised 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 original application and the amended plans have been advertised in the press, on site and by individual neighbour letters, and 220 letters of objection were received from local residents along with 2 letters of objection from Treeton Parish Council and two letters of support. Comments are summarised below –

The objectors state that:

- Lack of facilities in the village, only two small shops and no public house or restaurant. The village needs a new Mini supermarket and pub/restaurant.
- The local Junior school cannot accommodate additional children as a result of the development.
- GP surgeries are oversubscribed and cannot accommodate additional patients.

- Many of the local facilities listed in their application are internet only businesses and not local facilities within walking distance.
- The village cannot accommodate additional traffic generated by the development, and there is potential for accidents.
- Aughton Lane should have a 30MPH restriction imposed, in the interest of highway safety.
- The railway bridge in the village (on Station Road) is only single width and cannot accommodate the additional traffic.
- Impact upon child safety on the Arundel Park estate from traffic through the site.
- The village lacks adequate Public Transport.
- The proposal will harm local wildlife including bats and remove an open space used by walkers and cyclists.
- Loss of trees and impact upon Hail Mary Woods.
- This site is a greenfield site and should not be built on, it will harm the setting of the village.
- Impact upon neighbouring dwellings on Falcon Drive & Falcon Way, loss of light, overlooking and loss of view out.
- Compromise the security of dwellings on the existing Jones Homes development.
- Impact of additional waste generated by the development.
- Urban Heat Island effect from additional dwellings.
- Inadequate broadband and water infrastructure.
- Devaluation of nearby properties.
- Impact of noise/vibrations during construction period.
- Measures needed to stop off road motorbikes.
- The moving of the colliery wheel memorial and the impact upon ashes scattered at the site.

Treeton Parish Council states that:

- Other Brownfield sites should be developed prior to this Greenfield site.
- The infrastructure of the village cannot cater for the new development and the impact upon the local roads, sewage and water pressure.
- The infant school in Treeton cannot accommodate the additional children generated by the new housing.
- The local medical centre is fully subscribed and cannot accommodate additional numbers.
- The village lacks adequate local amenities and shops for the additional housing and the applicant has previously built housing on land reserved for a small convenience store.
- Public transport links are inadequate in the village, especially transport to local secondary schools.
- The site access is unsafe.
- Local roads and junctions cannot accommodate the extra vehicles generated by the development, including the single width railway bridge (on Station Road).
- The development will have a further impact on the loss of fauna and flora in the village.
- Previous developments in the village have not included well maintained green space.
- Treeton Parish Council should be consulted on how CIL money is spent.

Treeton Parish Council have requested that Members visit the site.

The two letters of support state that:

- Support the new entrance to the village.
- Good to see the village expand.

Treeton Parish Councillor Richard Baker has requested the right to speak at the Meeting, and states he represents the views of around 100 local residents. In addition, Treeton Parish Council and the applicant have also requested to Right to Speak.

Consultations

RMBC - Transportation and Infrastructure Service: Raise no objections subject to conditions.

RMBC - Tree Service Manager: There is no objection to the principle of the development, it is foreseeable that the proposal will benefit tree cover in the area. A number of conditions are recommended.

RMBC - Landscape Design: No objections following amended plan to provide improved buffer to the adjoining woodland.

RMBC – Greenspace Manager: No objections to amended play equipment provision and location out of the woodland. Note that the site is with 250m of public green space in the form of Hail Mary Woods and as such on site Green Space provision is not required.

RMBC – Drainage: No objections subject to relevant conditions.

RMBC - Affordable Housing Officer: With regard to affordable housing it is confirmed that the proposed development meets both the Council's affordable housing policy by way of the provision of 24.47%% on site delivery and a commuted sum of £34,000 towards affordable housing provision in the area, as well as the incoming NPPF requirements that 10% of the affordable housing units should be designated as "starter homes" and available to first time buyers.

RMBC – Ecologist: Following the provision of an adequate landscape buffer to the adjacent woodland, no objections subject to appropriate conditions.

RMBC - Environmental Health: There is potential from such a large housing development for neighbouring residential areas to be affected by construction noise and dust. As such a number of conditions are recommended.

RMBC – Education: Recommends a Primary School Education contribution of £2,342 per dwelling (not including the affordable housing), to provide improvements to local junior school.

South Yorkshire Archaeological Service: No objections subject to condition.

Rotherham NHS: Currently there is only 1 GP practice in the area which is Treeton Medical Centre, so all the residents would be registering with this practice and it will put

significant pressure on this practice. There is however a new GP practice being built on the Waverley estate which some residents may choose to register with, however this build will not be complete until approximately September 2019 and will be approx. 2.5 – 3 miles away from the proposed build. It should be noted that the CIL Regulation 123 List includes the provision for a contribution to improvements to GP surgeries throughout the Borough.

Cadent Gas Network: Cadent have identified operational gas apparatus across the front of the site and Informative is recommended to address any potential impact on this apparatus.

South Yorkshire Police: A number of recommendations to the design of the scheme are made to minimise potential crime which are attached as an Informative.

Sheffield Area Geology Trust: Has reviewed this planning application and reports that there will be no impact from the proposed development upon any geological assets in the Rotherham area.

National Grid: Has no objections to the proposal which is in close proximity to a High Voltage Transmission Overhead Line.

Yorkshire Water: No objection subject to relevant conditions.

Appraisal

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

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

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

Paragraph 11 of the NPPF states, in part, that: *“Plans and decisions should apply a presumption in favour of sustainable development.”* It goes on to state that *“For decision-taking this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.(footnotes omitted)

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

- The principle of the development
- Design, layout and scale
- Provision of open space on the site
- Transportation issues
- Drainage and flood risk issues
- Ecology and biodiversity
- Landscape and tree matters
- General amenity issues – contaminated land, noise and air quality
- Impact on existing/proposed residents.
- Heritage issues
- Affordable Housing provision
- Other issues raised by objectors
- Planning Obligations

The principle of the development

The application was allocated as Green Belt within the former UDP, however the Local Plan Sites and Policies Document which was adopted on 27th June 2018 removes the site from the Green Belt and re-allocates it for Residential use. It forms Housing Site H57 (total area of 3.14 hectares) and the Sites and Policies Document indicates that the total site has a capacity of approximately 75 dwellings.

Policy CS1 'Delivering Rotherham's Spatial Strategy' states, in part, that: *"Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth". Catcliffe, Treeton and Orgreave are identified as a Local Service Centre for growth which is to provide 170 dwellings as part of the Local Plan.*

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

Policy SP1 'Sites Allocated for Development' identifies sites that are allocated for development and contribute to meeting requirements set out in the Core Strategy. SP1 allocates the site as H57 for a total of 75 dwellings.

With the above policies in mind the site has now been allocated for Residential use as part of the adopted Local Plan and as such the principle of residential development is acceptable. Whilst the number of dwellings on the site (94 houses) is more than the 75 set out in the Sites and Policies Document, it is considered that the density of the proposed development is appropriate for this site and is primarily due to the lack of a requirement to provide the full open space provision on site, as set out in more detail below.

The sites identified for development within the Plan are intended to promote sustainable development and assist in delivering priorities and objectives of the NPPF and the adopted Core Strategy. Through the Local Plan process the site was identified as a result of extensive consultation and a site appraisals process, including a Sustainability Appraisal, and assessed in terms of a range of social, economic and environmental

factors. The Sites and Policies Document identifies that the site is sustainable in principle for residential use.

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

In relation to this site, Treeton C of E school, a local shop, community centre, bowls club, nursery and church are located within the 800m distance (from the centre of the site) specified within the policy. It is therefore considered that the application site has good access to a wide range of shops and services within Treeton.

With relation to the increase in the local population that the development would result in and the resultant impact on local services, it should be recognised that the process to allocate these sites has taken place over a number of years with many rounds of public consultation, and infrastructure providers were involved in the process in order that they could align their service and delivery plans to the provision of residential development across the Borough.

With regards to GP Surgeries, the NHS notes that Treeton surgery is at capacity, although a new surgery at Waverley is due for completion in 2019 providing additional capacity. In addition the CIL Regulation 123 List includes the provision for a contribution to improvements to GP surgeries throughout the Borough.

With regards to the impact on schools, the Head of Education has requested a primary school education contribution of £2,342 per dwelling (not including the affordable housing), and this is to be provided as part of the related S106 Legal Agreement. In addition the local Secondary schools in surrounding areas will benefit from Community Infrastructure Levy money.

Finally it should be noted that an application to build housing on a retail allocated site in Treeton itself was refused by the Council, but allowed on appeal. The Inspector concluded that: "whilst there is a perceived need for additional retail facilities in Treeton by Borough and Parish Councils, the reality is that retail development of all or part of the site is not viable, and that retention of it for a retail use is unlikely to see any such development take place in the foreseeable future. I see no justification for resisting the appeal proposal on the basis that the site should be reserved for retail or any sort of local centre."

In conclusion it is considered that the proposed residential development is acceptable in principle on this allocated site. The development is therefore considered to accord with Local Plan Policies CS1, CS3, SP1 and SP64, and the provisions of the NPPF.

Design, layout and scale

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

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

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

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

The National Planning Practice Guidance, notes at ID: 26-004-20140306 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 South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

The existing properties within the locality vary considerably in architectural design, size, layout and building materials which means that there is not one predominant character. The design, appearance and materials of the properties reflect the post modern design of the recently completed Jones Homes scheme on Carlton Way, which has a pleasant suburban appearance. Additionally, car parking areas at the front of properties include areas of planting to soften the street scene within the development site. Boundary treatments have also been carefully assessed to ensure that a high quality environment is created.

The scale of the dwellings are considered to be appropriate and similar to the scale of some of the differing house types surrounding the site. In relation to density, it is noted that the density reflects the adjacent recently constructed Jones Homes site and the earlier 1980s housing estates fronting Wood Lane.

As a result it is considered that the amended scheme will provide a pleasant suburban layout suitable for this edge of settlement location. The mix of dwelling types is varied with 2, 3, 4 and 5 bedroomed properties, all are 2 story with no bungalows proposed. The majority of the dwellings are detached with affordable units being provided in small terraces, as such the overall scheme is considered to provide a good mixed community.

The scheme also includes partial areas of Public Open Space and the provision of a children's play area (LAP) to the south of the site. There is also a comprehensive landscape scheme to be implemented including the provision of a 5m landscaped buffer between the rear gardens of dwellings and the adjacent woodland to the south, as well as hedgerows and planting to the north to provide an attractive frontage to Wood Lane.

Having regard to all of the above, it is considered that the layout and design of the proposed development as amended, offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore it is considered to accord with the above Local Plan Policies, as well as the general principles and goals set out in the NPPF. The applicants, through the submission of amended plans, have demonstrated a concerted effort to achieve a well-designed scheme that respects the existing built form, and the site's location adjacent to the Green Belt and Woodland.

Provision of open space on site

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

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

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

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

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

The development is adjacent to Hail Mary woodland area to the south which is suitable for walks and informal open recreation and identified as accessible green space. The application site also includes an area of woodland within the applicant's control between the development site and Hail Mary wood itself, and a management plan will formalise public access into this area of the overall woodland. As such, the development site is within 280 metres of a Green Space and full on site Green Space provision is not considered to be necessary, although some small incidental areas of landscaped Green Space will be provided on site, due to the presence of overhead wires.

In terms of play equipment provision, the existing play area at Washfield Lane is over 400m away from many of the proposed houses on the site. The proposed development includes the provision of play equipment to the southern boundary. The equipment includes light trail balancing boards etc (LAP), which is considered appropriate for the scale of development. As such, all dwellings on site would be within 400m of an equipped play area.

Policy SP39 'Design and Location of Green Space, Sport and Recreation' outlines the principles to be followed when new play spaces are designed, and it is considered that the proposed areas and equipment within the scheme are acceptable in this respect.

It should be noted that all the areas of public open space, including the 5m woodland buffer, are proposed to be maintained by a management company which would be secured by a Section 106 legal agreement.

Taking the above into consideration, it is considered that the scheme provides adequate access to open space as well as play equipment on the application site and accords with the above Local Plan Policies.

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 site development guidelines for H57 as set out in the Sites and Policies Document states that: “A highways link from Wood Lane to the housing development site to the west (currently under construction) is desirable and future development will need to assimilate vehicular access to the ski club at Treeton Dyke”.

The Council’s Transportation Unit consider that the amended scheme now complies with both the guidance and principles of The South Yorkshire Residential Design Guide

and Manual for Streets, and that the proposed car parking facilities comply with the Council's minimum residential standards.

Additionally, in order to promote sustainable travel a Section 106 agreement would secure a contribution to the Council of £500 per dwelling which would be used on local improvements to aid sustainable travel. In addition, the applicant has agreed to a condition requiring the provision of electric charging points for the properties.

With the above in mind the proposed site is considered suitable for the number of traffic movements. The proposed visibility is acceptable and the provision of on-site parking spaces accords with the Council's minimum requirements. Furthermore the site is considered to be in a sustainable location close to local bus stops and within walking distance of a number of amenities and shops in Treeton, and schools. The proposal therefore satisfies the provisions of the above Local Plan Policies and the NPPF.

Objectors have raised concerns about the lack of public transport in Treeton but the Transportation Assessment (TA) submitted with the planning application considered the site to be accessible by public transport. Whilst the TA did not consider the frequency or spare capacity of the services available, it is noted that the X54 runs hourly in both directions between Sheffield via Waverley/Catcliffe to Harthill via Aston and Aughton offering access to employment and retail opportunities. A 73 service operates twice a day to Aston Academy.

In addition, objectors have noted that the 30mph speed limit should be extended along Aughton Lane and it should be noted that the speed limit in B6067 Wood Lane would be reduced to 30 mph fronting the site following extension of the street lighting. The speed limit along the remainder of B6067 was reviewed several years ago and is considered to remain appropriate.

Objectors consider that the narrow bridge on Station Road is an issue, though the TA has considered the likely traffic generation resulting from the development during the AM and PM peak hours. This indicates that the additional vehicular traffic likely to travel over the bridge at Station Road will not have a material adverse impact.

Finally, objectors are concerned that additional traffic through the existing neighbouring estate, which would be linked to the proposed development site, would lead to highway safety issues. Whilst some development traffic may travel via the existing estate to the west, it is more likely that some of the existing estate traffic would divert via the new estate to access B6067. This overall would reduce the level of traffic exiting the estate via Rother Crescent and then turning east on Wood Lane and passing the school. It is considered, therefore, that road safety impacts are unlikely to increase as a result of the development.

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."*

Foul water would be pumped from the bottom end of the site up to the adjacent residential development and the site has been specifically designed with an attenuation facility, in the form of large tanks under the proposed play area at the bottom end of the site, to ensure a controlled flow of surface water into the adjoining watercourse.

The Council's Drainage Engineer has no objections to the application regarding drainage or flood risk subject to the recommended conditions being attached to any permission given.

Having regard to the above and subject to the recommended conditions it is considered that the proposals accord with the above Local Plan Policies and the advice within the NPPF.

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."*

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"*.

Policy SP35 'Protected and Priority Species' states that *"Planning permission for development likely to have a direct or indirect adverse impact on the following will only be granted if they can demonstrate that there are no alternative sites with less or no harmful impacts that could be developed and that mitigation and / or compensation measures can be put in place that enable the status of the species to be conserved or enhanced:*

- a. Protected species;*
- b. Species of principal importance for the conservation of biodiversity;*
- c. Species prioritised for action within the Rotherham Biodiversity Action Plan;*
- d. Populations of species associated with statutorily protected sites. Measures to mitigate and, or compensate for, any impact must be agreed prior to development commencing and should be in place by the time development is brought into use".*

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;"*

The applicant's Ecology Report is considered to be an accurate record of the ecological interests on the site and its assessment is accepted. Its recommendation for biological enhancements (bat and bird boxes) is also accepted, and should be secured via appropriate planning condition. Informatives are also suggested in relation to the use of wildlife friendly lighting, and in relation to site clearance outside of the bird nesting season.

Additionally, the proposal provides for the provision of a 5m woodland buffer, which has been negotiated as part of the application to ensure all new dwellings (not including gardens) are set 15m off the adjacent woodland. This would ensure that there are no conflicts with the woodland and no future demand for residents to fell adjoining trees. Moreover the buffer will reduce noise and light pollution to the adjoining woodland, and to this regard a condition has been attached to ensure that the no additional lighting is installed in the gardens backing onto the woodland.

Policy SP36 'Soil Resources' states, in part, that "Development will be required to demonstrate the sustainable use of soils during construction and operation stages, where appropriate and to be determined in discussion with the Local Planning Authority..... Built development should be designed and sited with an appreciation of the relative functional capacity of soil resources and threats to soils with the aim of preserving or enhancing identified soil functions. Measures to incorporate green space and sustainable drainage elements that retain permeable surfaces, allow water infiltration, reduce soil erosion and maintain natural soil functions will be supported. Measures that waste soil resource, reduce soil quality, compact or pollute soils or that create a predominantly impermeable surface should be avoided."

The proposal does include areas of green open space and sustainable drainage methods are to be used. For this reason it is considered appropriate to attach a condition that requires the submission of details of the quality of soils on site and their movement and temporary storage during construction to ensure that the character of the soil is conserved.

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."*

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

The site area includes both the allocated site and part of Hail Mary Woods. The allocated area contains only limited hedgerows and as such the development will not result in any tree removal and the applicant has submitted a comprehensive landscape scheme as part of the submission to provide adequate landscaping within the scheme.

In terms of that part of the site within Hail Mary Wood this will be retained as woodland and as part of the S106 agreement the applicant has agreed to a management plan to ensure it is managed into the future. As referred to above the applicant has agreed to a 5m buffer to protect the canopy of the woodland and to minimize disturbance to wildlife. The nearest dwellings have also been set off a further 10m to reduce light pollution etc.

Therefore subject to relevant planning conditions, the proposal is considered to be appropriate in relation to its impact on trees and hedgerows at the site.

The proposal is therefore in accordance with the above Local Plan policies.

Contaminated land

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

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

In respect to the above, supporting information was submitted with the application in relation to land contamination issues. The Council's Environmental Health section have assessed the information and have commented that the site comprises of a parcel of arable farmland which has historically been open/agricultural land from approximately 1888. No industrial uses have taken place on the site which could give rise to significant land contamination. Tests carried out on the site conclude that there is a very low risk to future users of the site from contamination. If planning permission is granted conditions are recommended to ensure that any risks for future users is minimised.

With the above in mind it is considered that the proposal accords with the above Local Plan policies.

Impact on existing /proposed residents

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

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

The SYRDG further goes on to note that in respect of ensuring adequate levels of daylighting, back-to-back distances should, as appropriate to specific circumstances, be limited by the 25 degree rule.

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

It is noted that there are existing residential properties along the western boundary of the application site. In terms of the amenity of nearby residents, the site generally adjoins the rear gardens of existing residential properties on Carlton Way, Falcon Drive and St Helens Close. There have been numerous objections from local residents regarding the impact that the development would have on them in terms of overlooking, loss of privacy and over dominating feel due to the location and number of houses proposed close to the boundaries of their properties.

Whilst it is acknowledged that the proposal would lead to the development of houses in an area where there is currently no development, the dwellings proposed to be located along these boundaries all achieve the minimum separation distances from the existing dwellings, having back gardens with a minimum length of 10m, and achieving the 21m separation distance between rear elevations of properties. A few of the adjacent residents have objected due to the number of dwellings proposed adjacent to their existing rear gardens. However as stated above, the dwellings comply with the minimum separation distances and so would not create any significant overlooking issues, nor are they considered to be overdominant or overbearing. The applicant has submitted cross section plans to show how the proposed development will relate to some of those existing, and demonstrate that the relevant standards are generally met.

Objections have been received in relation to loss of views, devaluation of existing properties, and the impact that the development of this once green field. Again, it should be noted that the site is no longer Green Belt and is allocated for residential use, and its development for this use is therefore acceptable in principle. Other issues relating to loss of views and devaluation of houses are not material planning considerations.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for the size of rear gardens. The original scheme showed that the rear gardens of some of the properties were below the minimum standards and hence the layout was amended. All the dwellings achieve the minimum garden size laid out in the SYRDG.

In general amenity terms the Environmental Health Section note that the site is adjacent to residential properties and is some distance away from any major noise sources. They note that there is potential for dis-amenity to occur for existing residents from noise during the construction phase and the working hours of the construction work and

machinery used on site and dust and mud from the excavation of the land, construction work and traffic flow of lorries entering and exiting the site. As such, a condition is recommended requiring the submission of a Construction Management Plan.

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

Policy SP43 'Conserving and Recording the Historic Environment' states, in part that: *"Development proposals that affect known or potential heritage assets will need to provide supporting information in sufficient detail that the impact of the proposed scheme on those heritage assets can be established....., Heritage Statements should consider the impact of the specific development proposed with regard to: the setting of heritage assets on or in the vicinity of the site; detailed archaeological assessment; and the results of field evaluation."*

It is noted that the site is not located within or adjacent to a Conservation Area. The closest Listed Buildings are some 500m away within the Treeton Conservation Area and as such the proposal is not considered to affect its setting.

SP42 'Archaeology and Scheduled Ancient Monuments' stated, in part that *"Development proposals that may impact upon archaeology, whether designated as a Scheduled Ancient Monument or undesignated, will be considered against the following principles:*

- a. development that would result in harm to the significance of a Scheduled Monument or other nationally important archaeological site will not be permitted;*
- b. the preservation of other archaeological sites will be an important consideration. When development affecting such sites is acceptable in principle, the Council will seek preservation of remains in situ, as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for archaeological recording to ensure an understanding of the remains is gained before they are lost or damaged, in accordance with Policy SP 43 'Conserving and Recording the Historic Environment'".*

The site development guidelines required the proposal to be supported by a Heritage Statement for Archaeology, which was submitted. South Yorkshire Archaeology Service (SYAS) have been liaising with the developers on site who have already carried out Archaeological Field work to their satisfaction. SYAS have also recommended that a condition is attached to any approval 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.

It is therefore considered that the proposal is in accordance with the above Local Plan policies, subject to the relevant condition.

Affordable Housing provision

Policy CS7 'Housing Mix and Affordability' states in part, that: "Sites of 15 dwellings or more..... shall provide 25% affordable homes on site."

The proposal includes the provision of 23 units for affordable housing. This is approximately 24% of the whole site and along with a financial contribution of £34,000 towards affordable housing in the area would comply with policy requirements. Two and three bedroom houses are acceptable as proposed. 9 of the dwellings will be brought forward as Starter Homes, whilst the remaining 14 dwellings will be for rental.

The affordable housing provision is in compliance with Local Plan policy CS7, and its provision would be secured by a S106 Agreement.

Other Comments made by objectors

Numerous objections have been raised by residents, many of which have been considered above, and others are not material considerations to be taken into account in the determination of this application.

A number of objectors have raised further concerns regarding security, waste, broadband speed, the urban heat island effect and off road motorbikes.

Firstly regarding security the scheme has been designed with well overlooked public spaces and an informative has been attached recommending accordance to South Yorkshire Police designing out crime standards.

In terms of waste it is inevitable that the new dwellings will generate additional waste and will be served by the Council's usual recycling service. With regard to Broadband the Council does not have any Planning requirement for broadband speed and South Yorkshire Superfast Broadband is currently being rolled out in the Borough. Turning to the urban heat island effect this not something that can be mitigated against in new residential development on greenfield sites,

A number of objectors have raised concern about the Colliery wheel being moved on site and the impact of ashes scattered around the wheel. The applicants have indicated that they will move the wheel and ensure that any work is sensitively done with additional soil moved if need be.

Finally in terms of off road motorbikes the submitted boundary plan includes measures to prevent off road motorbikes from accessing the adjacent woodland.

Planning Obligations

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

"(2) A planning obligation may only constitute a reason for granting planning

permission for the development if the obligation is-

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

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

This is echoed in Paragraph 56 of the NPPF.

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

- 24% provision of on site affordable housing and a commuted sum of £34,000 towards affordable housing in the area..
- Commuted sum of £166,282 towards education provision at Treeton Primary School
- The contribution of £500 per dwelling towards sustainable transport measures
- Management and maintenance of open space areas on site (including the LAP and the hedgerow/buffer with the Green Belt.)

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 56 of the NPPF and the Community Infrastructure Regulations and are therefore considered to be acceptable.

Conclusion

The site was previously allocated for Green Belt purposes in the adopted UDP but that Plan has been replaced with the Sites and Policies Document that was adopted on 27 June 2018. The Sites and Policies Document removed the site from the Green Belt and allocated it for 'Residential' purposes. It forms the Housing Site H57 and is located within a suitable distance from Treeton. As such, the proposal is acceptable in principle.

The scheme is acceptable in terms of the design and layout, highway safety, provision of open space, drainage, ecology and landscaping as well as other general amenity issues identified above. The scheme is considered to be sustainable and has notable benefits in terms of market and affordable housing provision and associated social and economic benefits arising from such provision. Development in this location will support the ongoing delivery of services and facilities within Treeton and provide much needed market housing to meet Local Plan targets for housing development within the Plan period to 2028.

Overall the scheme is considered to be in accordance with the development plan and with the policies in the NPPF.

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

Conditions

Article 35 of the Development Management Procedure Order 2015 requires that, where planning permission is granted subject to conditions, the decision notice must state clearly and precisely the full reasons: (i) for each planning condition; and (ii) in the case of each pre-commencement condition, for the condition being a pre-commencement condition. The reasons for each condition are provided below. Conditions numbered 9, 14, 15 & 18 of this permission are pre-commencement conditions (since they require matters to be approved before development works begin). These are justified as being pre-commencement conditions 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 9, 14, 15 & 18 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990 and to assist in the delivery of development.

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)

2605-1-000-Site Location Plan

2605-1-001-Z-Proposed Site Layout

2605-1-002 - Proposed Birch Plans & Elevations

2605-1-003 - Proposed Thornton Plans and Elevations

2605-1-004 - Proposed Cranford Plans and Elevations

2605-1-005 -A- Proposed Bentley Plans & Elevations

2605-1-006 - Proposed Baycliffe Plans and Elevations

2605-1-008 -A- Proposed Banbury Plans & Elevations

2605-1-009 -A- Proposed Bayswater Plans & Elevations

2605-1-010 -A- Proposed Stratton II Plans & Elevations

2605-1-011 -A- Proposed Hollin B Plans & Elevations

2605-1-012-C-Proposed Street Scenes

2605-1-013-Proposed Entrance Feature

2605-1-014-B-Proposed Boundary Treatment

2605-1-015 -A- Proposed Lancs Huxley A Aspect Plans & Elevations

2605-1-016-Proposed Single Garage

2605-1-017-Proposed Double Garage
2605-1-018-Indicative Play Equipment Location Plan
2605-1-019-C-Site Sections
2605-1-020-B-Proposed Finished Floor Levels Plan
2605-1-021-Proposed Materials Plan

Additional Plans

WLT 02B Landscape Masterplan
42075_001_D – Drainage Layout
42075_002_C-External Works

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 be in accordance with the details on the approved Materials Layout Plan (2605 -1 -021) (Received 26/03/19).

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

The boundary treatment shall be provided on site in accordance with the approved External Materials and Boundary Treatment Plan 2605-1-014 B. The approved boundary treatment shall be implemented prior to the occupation of each dwelling.

Reason

In the interests of the visual amenity of the area and in accordance with the Development Plan.

Transportation/Sustainability

05

Prior to the occupation of the first dwelling details of a scheme to extend the existing street lighting from the west of the site along the site frontage to Wood Lane and provide relocated change in traffic speed signs has been submitted to and approved by the Local Planning Authority and the approved details shall be provided before the development is occupied.

Reason

In the interest of highway safety

06

Prior to the occupation of the first dwelling details of level boarding (ie. raised kerbs) and a dropped kerb pedestrian crossing at the bus stops in Wood Lane to the west of the site have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is occupied.

Reason

In the interest of highway safety

07

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained in accordance with the Local Plan and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems.

08

Before above ground development commences road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

In the interest of highway safety.

09

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

- details of vehicular routing
- traffic management measures during the construction work;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of any storage on site
- details of loading/unloading of materials/plant;
- details of car parking facilities for the construction staff;
- details of proposed hours of construction on/deliveries to the site;
- details of any lighting;

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.

10

Prior to first occupation details of vehicle electric charging points and the timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable.

Reason

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

Contaminated Land

11

If subsoils / topsoils are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing will need to be presented in the format of a Validation Report. The site shall not be brought into use until such time as all validation data has been approved by the Local Planning Authority.

Reason

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

Ecology

12

The bat and birds boxes shown on the Bird/Bat Box Plan (WLT 02) shall be implemented in the approved development.

Reason

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

13

Prior to the completion of the dwellings, details of any security lighting to the rear of plots 31-40 shall be submitted to and approved by the Local Planning Authority. No additional security lighting shall be installed, without the prior written consent of the Local Planning Authority.

Reason

In the interest of ecology and to prevent disturbance to nearby nesting birds and bats.

14

An updated badger survey shall be conducted and submitted to the Local Planning Authority prior to the commencement of development and any appropriate mitigation measures implemented.

Reason

In the interest of ecology

Archaeology

15

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

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

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

Reason:

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

Landscaping and Trees

16

Prior to above ground development, 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.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

Reason

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

17

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

Reason

In the interests of the visual amenities of the area and in accordance with the Local Plan

18

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837: Trees in Relation to Design, Demolition and Construction and positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

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

Play Area

19

The LAP as shown on approved plan shall be installed prior to the occupation of the 70th property on the site.

Reason

In the interests of the amenity of the residents in accordance with the Local Plan.

Drainage

20

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

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus 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.

21

Construction of roads or dwellings shall not commence 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.

Soil storage

22

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

Reason

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

Informatives:

01

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

02

The developer will need to enter into a Section 278 Agreement under the Highways Act 1980 to secure works in the highway required by the development.

03

Wildlife Legislation

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

04

Nesting bird

Site clearance should ideally be outside of the bird nesting season. If vegetation clearance is required in the bird nesting season (March-August) then a qualified ecologist should be employed to check the area first and ensure that no nesting species are present. No works can take place whilst birds are actually nesting.

05

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. Details submitted in respect of the proposed Construction Management Plan should address these issues.

06

Cadent Gas Network: Cadent have identified operational gas apparatus Gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. Cadent notes that the developer must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The developer should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the developer must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

07 South Yorkshire Police

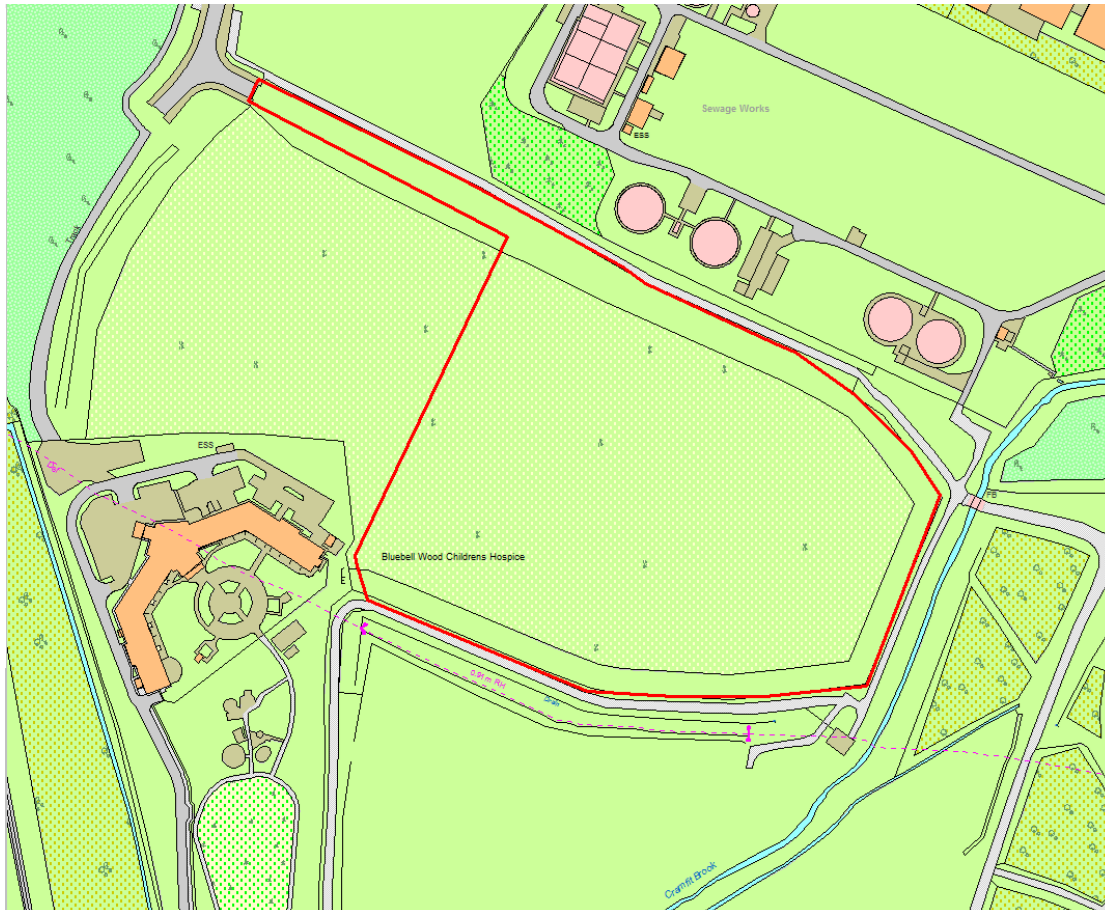
This development would benefit from being built to Secured by Design (SBD) standards. For further information please contact: Suzanne.turton@southyorks.pnn.police.uk

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. In addition the application was amended during the course of the application process as a result of discussions between the applicant and Local Planning Authority. The Local Planning Authority considers that it has worked with the applicant in a positive and proactive manner based on seeking solutions in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2018/1683
Proposal and Location	Erection of industrial unit (use class B2) with ancillary warehouse and office building and boundary fencing at Land at Todwick Road Dinnington
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 site is undeveloped and is located to the south east of a wider employment site known as East 31, and is reclaimed from the former Dinnington Colliery site. The site is approximately 4.1 hectares in size and is accessed from Todwick Road through the rest of the employment site, where planning permission has recently been granted on two plots.

The site is located to the east of Bluebell Wood Children's Hospice, with the Sewerage Treatment works to the north. Other surrounding land is undeveloped.

The site slopes downwards from west to east with a difference in land levels of approximately 3-4 metres, and is overgrown with self-set grass/shrubs, Cramfit Brook is located to the east of the application site.

Background

Relevant Planning History

Two recent permissions for industrial/storage development have recently been granted on other areas within East 31, being RB2018/0909 and RB2018/1202.

RB2008/1562 – Formation of new access road – granted conditionally 20/11/08

RB2004/1346 -Outline planning permission has been granted for mixed use development of the former colliery site including the following use classes B1 Use (excluding offices) B2 General Industry and B8 Storage and Distribution

RB2002/1696 - Layout of roads and sewers to facilitate development of land for Class A2 (Financial and Professional Services), B1 (Business), B2 (General Industrial), B8 (Storage and Distribution), C1 (Hotels), D1 (Non-residential Institutions) & D2 (Assembly and Leisure) purposes, and use of land for amenity open space and willow coppicing – granted conditionally 02/07/04

RB2002/1516 - Reclamation and restoration of former colliery site to a form suitable for future employment, amenity and recreation uses – granted conditionally 31/03/03

RB1999/1584 - Relocation of 300,000 cubic metres of colliery spoil to infill the rail cutting and place on main tip – granted conditionally 07/06/00

Environmental Impact Assessment

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

Proposal

The applicant seeks full planning permission for the erection of an industrial unit for B2 general industrial use. with ancillary warehouse and office building as well as boundary fencing. The applicant, United Caps, have several sites across Europe for the manufacture and distribution of plastic bottle caps. This facility is proposed to receive raw materials, manufacture the caps within the production areas, then package and distribute the final products.

The floor area of the building is proposed to be approximately 21,519sqm (164m x 123m), and is to be developed in four phases. The building is to be generally single storey with a height of 14.4m in height, although the office element is proposed to be two storeys at 11m in height, so will actually be lower than the main building. The proposal also includes 24 large external silos for the storage of plastic pellets.

The construction materials are proposed to be grey composite cladding for walls and roof and grey brick work and glazing is to be used for the office element as well as a green/living feature wall. The proposal is to have 80 car parking spaces.

During the course of the application the layout of the site and building has been re-designed to have regard to the presence of Bluebell Wood Hospice, a nearby sensitive land use, in an attempt to reduce the impact of the proposal. In this regards the office element of the building has been located closest to the Hospice with the industrial elements being re-located to the other side of the building. The 24 silos have been

moved from the front of the building to the rear, thereby screened from the Hospice by the building itself. Additionally the internal road layout within the site has been amended on two occasions to prevent HGVs from passing near the Hospice, and move the access as far as possible from the boundary.

The applicants have also confirmed that once the whole development is completed a maximum of 40 HGV vehicles per day will visit the site, which will be limited to daytime working hours, which are confirmed as being 08:00-17:00. The facility is proposed to operate 24 hours a day 7 days a week and there will be a small contingent of production supervisors present outside of daytime hours as the process would be automated and all internal.

The applicants have also stated that they would try to minimise the impact of construction works.

The proposal is to generate approximately 120 jobs providing employment opportunities for local people.

There is a landscape scheme which has been designed to reduce the visual impact of the scheme as well as providing banking and a planted buffer to the east between the site and the Cramfit Brook, and an area of planting to the west and south west between the site and the Hospice.

2.4m high black paladin fencing is proposed around the site boundaries, although the developers have said that they may erect a different treatment close to the Hospice to be decided through discussions with them. This matter will be covered by way of a planning condition.

The application is supported by the following documents –

Design and Access Statement –

This sets out the design principles of the proposal and details access arrangements. It concludes that the proposal accords with local planning policy and the intended use of the site.

Flood Risk Assessment –

This sets out that the site is within Zone 1 to 3a as shown on the Environment Agency's Flood Map, with the building being located within Zone1. The Assessment notes that the development proposal is classified as 'Less Vulnerable' and that the NPPF states that this development is appropriate in terms of flood risk. The Assessment demonstrates that, subject to the implementation of recommended mitigation, resistance and resilience measures, the proposed development is considered suitable in accordance with the considerations of National Planning Policy Framework. The Assessment concludes that the development will not increase flood risk to the site itself or the wider catchment area as a result of suitable management of surface water runoff.

Land Contamination Survey

It is concluded that there is a potential high short-term risk to human health, a potential moderate to low risk to the built environment and a potential moderate to low risk of causing harm to controlled waters. Phase II investigations should comprise trial pitting with sampling for chemical analysis, ground gas monitoring and rotary open-hole boreholes.

Transportation Statement –

This, along with additional information provided, concludes that the traffic generated by the proposed development is considered sustainable in Transport terms and it is concluded that there are no highway objections to the proposal.

Ecology Survey –

This recommends the following –

- Measures to reduce artificial light spill on boundary habitats;
- The creation of new ecologically valuable habitats within the landscaping of the new scheme;
- The installation of bird boxes to replace nesting habitat removed to facilitate development;
- The design and construction of new refuge habitat for both Great Crested Newts and reptiles to replace refuge habitat removed to facilitate development.

Amended Noise Report –

This assesses the sound emission sources against relevant national and local planning policy and noise guidance and standards. The original noise assessment has been amended to take into account amendments to the layout of the development. The Report concludes that the proposed industrial premises can be developed and operated without significant impact from noise, both in terms of sound levels inside habitable rooms and within external amenity space of receptor locations in accordance with WHO

guidelines and BS 8233:2014. Therefore the facility can be developed such that operational noise will not cause significant harm from adverse impacts on health and quality of life of existing residents and occupiers in accordance with the policy aims of the National Planning Policy Framework (NPPF paragraph 180), NPSE and local aims.

Framework Travel Plan –

This includes measures to encourage employees to use public transport and other sustainable modes of transport, and will evolve and remain adaptable to accommodate working practices and local conditions.

Air Quality Assessment –

This assesses the potential for the proposal to cause air quality impacts as a result of fugitive dust emissions during construction and road traffic exhaust emissions associated with vehicles travelling to and from the site during operation. It concludes that assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks, construction and track-out activities was predicted to be not significant. Additionally air quality impacts as a result of the operation of the development were considered to be not significant. Based on the assessment results, air quality factors are not considered a constraint to the development.

Heritage Statement –

This considers the sites potential for the presence of as-yet-undiscovered archaeological assets. The remaining, undisturbed, parts of the site are considered to have a negligible/low potential for significant (i.e. non-agricultural) archaeological remains for all periods.

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) which replaces the Unitary Development Plan (UDP) that has now been superseded.

The application site is allocated for Industrial and Business Use within the Local Plan (Site Allocation E14). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

- CS1 Delivering Rotherham's Spatial Strategy
- CS3 Location of New Development
- CS9 Transforming Rotherham's Economy
- CS14 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
- CS26 Minerals
- CS27 Community Health and Safety
- CS28 Sustainable Design
- CS30 Low Carbon & Renewable Energy Generation
- CS33 Presumption in Favour of Sustainable Development

The Sites and Policies Document – June 2018:

- SP1 Sites Allocated for Development
- SP16 Land Identified for Industrial and Business Uses
- SP26 Sustainable Transport for Development
- SP32 Green Infrastructure and Landscape
- SP33 Conserving and Enhancing the Natural Environment
- SP35 Protected and Priority Species
- SP36 Soil Resources
- SP42 Archaeology and Scheduled Ancient Monuments
- SP47 Understanding and Managing Flood Risk and Drainage
- SP52 Pollution Control
- SP54 Contaminated and Unstable Land
- SP55 Design Principles
- SP56 Car Parking Layout
- SP57 Sustainable Construction

Joint Waste Core Strategy

WC27 Managing Waste in all Development

Other Material Considerations

Council's Car Parking Standards.

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 revised 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 and objections have been received from the adjacent Bluebell Wood Hospice, occupiers of three residential properties in Dinnington, Councillor Vjestica and the 14 Dinnington Town Councillors on behalf of Dinnington Town Council. Objections received include the following:

- Potential impact on local traffic, especially during rush hours. The application details approximately 200 lorry journeys per day, most of which appear to be during the rush hour periods. Todwick Road users already endure significant delays with traffic backed up from the roundabout with the A57 for long periods during rush hours, before all these planned additional lorry journeys.
- The proximity of the build to the end of life suite, the quiet treatment rooms and gardens could potentially affect the on going functioning of the adjacent Bluebell Wood Hospice. The six to eight months of construction time is considerable and will have a major impact on users of the hospice during a challenging time in their life.
- The development once completed will generate ongoing noise and general disturbance to the Hospice, including HGV movements.
- Whilst the predicted noise levels are within World Health Organisation target sound levels, the children at the Hospice are more vulnerable to noise than adults. The proposed hours of operation will mean that noise is generated in the evening/at night when the children and parents need all important sleep.
- Concern over light pollution from the 24 hour activities on the Hospice.
- Issues of drainage of the site and potential impact on flooding of Hospice, particularly of access road to it from Cramfit Road.
- Impact on air quality on occupiers/visitors to the Hospice and surrounding residential properties.

A representative from the Hospice, Councillor Vjestica and a local resident have requested the right to speak at the Meeting, as well as the applicant's agent.

Consultations

RMBC – Transportation Infrastructure Service: No objections subject to relevant conditions

RMBC - Landscape Design: No objections subject to relevant conditions to secure the relevant landscape features.

RMBC – Drainage: No objections are raised subject to conditions.

RMBC – Ecologist: No objections subject to relevant conditions

RMBC - Environmental Health (Noise): No objections subject to relevant conditions to control noise levels and the hours of deliveries.

RMBC - Environmental Health (Air Quality): No objections in terms of air quality subject to a condition requiring the provision of electric vehicular charging points within the car parking area.

RMBC – Environmental Health (Land Contamination): No objections subject to relevant conditions to ensure that risk from land contamination to the future users of the land and neighbouring land are minimised.

Highways England: No objections

South Yorkshire Archaeological Service: No objections

Severn Trent Water: No objections subject to suggested informative.

Environment Agency: No objections subject to an informative.

South Yorkshire Mining Advisory Service: No objection subject to Coal Authority standing advice.

Coal Authority: No objection subject to Coal Authority standing advice.

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.

Paragraph 11 of the NPPF states, in part, that: “*Plans and decisions should apply a presumption in favour of sustainable development.*” It goes on to state that “*For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole” (footnotes omitted).*

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

- The principle of the development
- Design, layout and scale
- Transportation issues
- Drainage and flood risk issues
- Ecology and biodiversity
- Landscape and tree matters
- General amenity issues – contaminated land, noise and air quality
- Impact on existing/proposed residents.
- Heritage issues

The principle of the development

Policy SP1 ‘Sites Allocated for Development’ sets out sites that are allocated for development and contribute to meeting requirements, and refers to ‘Site development guidelines’ which identify specific principles for these sites, which should be taken into consideration in any proposed development. The proposed site is identified as site allocation E14 and the relevant site development guidelines for this site will be discussed in more detail below.

Policy CS1 ‘Delivering Rotherham’s Spatial Strategy’ state, in part, that: *“Most new development will take place within Rotherham’s urban area and at Principal Settlements for Growth. The Core Strategy identifies Dinnington as a principal settlement for growth”. Dinnington is a Principle settlement for growth which, along with Anston and Laughton Common, is to provide 38 hectares of employment land.”*

Policy CS3 ‘Location of New Development’ states, in part, that: *“In allocating a site for development the Council will have regard to relevant sustainability criteria, including its (amongst other things): a. status as previously-developed (brownfield) land; c. access to public transport routes and the frequency of services; d. potential to relieve deprivation; f. effect on other environmental matters; g. potential to maintain and create links to green infrastructure.”*

Policy SP16 ‘Land Identified for Industrial and Business Use’ states: *“Within areas allocated for industrial and business use on the Policies Map, development proposals falling within Use Classes B1b and B1c, B2 and B8 will be permitted. Offices falling within Use Class B1a will only be acceptable where they are ancillary to the main proposed use or the proposals satisfy the requirements of Core Strategy Policy CS12 ‘Managing Change in Rotherham’s Retail and Service Centres’ and other relevant planning policy. Other uses will be considered on their merits in line with Policy SP17 ‘Other Uses within Business, and Industrial and Business Areas.”*

The application proposal is for B2 industrial use with ancillary warehousing and offices on this site which is allocated for Industrial and Business use within the adopted Local Plan. In accordance with policy SP16 B2 uses are permitted in principle. As such, the proposal is considered to be acceptable in principle and will contribute towards employment growth targets in the locality. In this respect the proposal is considered to comply with the above relevant Local Plan policies.

Design, layout and scale

Policy CS28 'Sustainable Design' states, in part, that: *"Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping."*

Development should protect or contribute to securing a healthy and safe environment, including minimising opportunities for crime, the risk of terrorism and addressing any specific risks to health or safety from the local environment. Encouragement will be given to incorporation of Secured by Design principles in new development and in the design of public spaces.

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

In preparing development proposals for new build, refurbishment and extensions to existing buildings, consideration should be given to the inclusion of sustainable drainage schemes, grey water recycling, green and brown roofing and walls, landscaping and connectivity to ecosystems. Provision should be made for sustainable waste management.

Design should take all opportunities to improve the character and quality of an area and the way it functions.

The design process shall take into account:

a. the topography, landforms, Green Infrastructure assets, river and canal corridors, important habitats, waterways, woodlands, other natural features and open spaces that provide opportunities for an accessible choice of shade and shelter, recognise opportunities for flood storage, wildlife and people provided by multi-functional greenspaces."

SP55 'Design Principles' states that *"All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings. Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:*

a. the setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development;

b. that an assessment of local building materials, their colour and architectural detailing has been undertaken and submitted with the application;

- c. the use of appropriate materials and landscaping and utilisation of natural features, such as topography, watercourses, trees, boundary treatments, planting and biodiversity to create visually attractive high quality development;*
- d. proposals reinforce and complement local distinctiveness and create a positive sense of place; public art should be incorporated into proposals where appropriate;*
- e. the legibility and permeability of development to promote ease of movement, the creation of safe, secure and accessible environments and provide clear distinction between public and private spaces - lighting of the public realm and the built development will be particularly important;*
- f. the provision of satisfactory arrangements for the storage and collection of refuse, recyclable materials and garden waste to enable easy and convenient recycling and composting;*
- g. the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing;*
- h. the need to optimise the potential of sites to accommodate development which could, in appropriate instances, involve maximising densities;*
- i. new public and commercial developments are encouraged to include baby changing facilities, breast feeding facilities and accessible 'Changing Places' toilet facilities in addition to standard accessible toilets.*

All development proposals must have regard to the presence of sensitive land uses and be designed in such a way that the amenity of any land use and the specific characteristics of the sensitive area are not adversely affected.

Design and Access Statements, and where appropriate detailed masterplanning, will be expected to encompass these broad aims and principles and have regard to the Building for Life toolkit, or the most up to date guidance. Applicants are strongly encouraged to demonstrate an appropriate level of community engagement in their preparation; to comprehensively consider health and equalities impacts and safety and security issues and, clearly demonstrate through their submission, how these issues and any impacts arising, have influenced the final design solution."

CS30 'Low Carbon & Renewable Energy Generation' states that:

"1 Energy

Developments should seek to reduce carbon dioxide emissions through the inclusion of mitigation measures in accordance with the following energy hierarchy:

- a. Minimising energy requirements through sustainable design and construction;*
- b. Maximising Energy Efficiency;*
- c. Incorporating low carbon and renewable energy sources.*

Developments will be supported which encourage the use of renewable, low carbon and decentralised energy. All development should achieve, as a minimum, the appropriate carbon compliance targets as defined in the Building Regulations."

SP 57 'Sustainable Construction' states that: *"To enable high quality, functional and sustainable design to be clearly embedded in future development, proposals will need to be designed to withstand and adapt to the predicted impacts of climate change. The evidence supporting the planning application should be proportionate to the scale of the development and:*

- a. identify how recycled materials will be used during construction unless it can be demonstrated that it would not be technically feasible or financially viable or the nature of the development requires appropriate use of local materials;*
- b. meet the relevant BREEAM 'very good' standards or better for non-residential buildings over 1,000 square metres unless it can be demonstrated that it would not be technically feasible or financially viable;*
- c. demonstrate how the installation of integrated renewable and low carbon energy technologies in new and existing non-residential developments, in order to off-set CO2 emissions and mitigate the impacts of climate change, has been assessed and included within the development unless it can be demonstrated that it would not be technically feasible or financially viable. These could include (but are not limited to):*
 - i. solar thermal*
 - ii. solar photovoltaic*
 - iii. biomass boilers*
 - iv. ground source heat pump*
 - v. wind turbines*
 - vi. combined heat and power schemes & associated infrastructure*

This policy should be read in conjunction with Policy WCS 7 'Managing waste in all developments' of the Barnsley, Doncaster and Rotherham Joint Waste Plan (March 2012) regarding the management of waste products arising from the development and future occupation and Policy SP 36 'Soil Resources'."

The application proposes a large unit for an industrial end use on an allocated site. The layout of the site and building has been re-designed through the application process to have regard to the presence of Bluebell Wood Hospice, a nearby sensitive land use, to reduce the impact of the proposal. In this regards the office element of the building is to be located closest to the Hospice with the industrial elements being re-located to the other side of the building. In addition, the 24 silos have been moved from the front of the building to the rear, thereby screened from the Hospice by the building itself. The building is industrial in appearance and design, with the office element being modern with a living wall to provide for a quality design. The use of high quality materials will also assist in providing an appropriate development on this site with the proposed materials providing a modern and contemporary finish. The proposal includes a landscaping scheme which provides some screening and softens the appearance of the building.

The application also includes the erection of 2.4m high back paladin fencing around the site, although a different fencing type may be erected close to the Hospice to provide a lesser industrial appearance. This is to be decided in discussions between the Hospice and the applicant, and so it is considered appropriate to attach a condition requiring the submission of fencing details for approval.

In relation to the BREEAM Assessment the applicant has agreed to a condition to be attached to the permission requiring the building to achieve BREEAM Very Good standard, or to submit technical/financial viability information to demonstrate why it cannot do so.

Overall it is considered that the proposed development is of a high quality and is of an appropriate scale and design to comply with the relevant Local Plan policies above.

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."*

SP 56 'Car Parking Layout' states that: *"In terms of car parking, layouts must be designed to:*

- a. *reduce the visual impacts of parking on the street-scene and provide defined visitor parking on-street;*
- b. *discourage the obstruction of footways by kerb parking, and parking that compromises the operation of the highway; and*
- c. *ensure in-curtilage / on plot parking does not result in streets dominated by parking platforms to the front of the property or large expanses of garage doors fronting the street."*

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 application was originally submitted with a Transport Assessment and the applicant was asked to carry out further modelling in relation to the A57/Todwick Road roundabout by the Council's Highways Officer. The applicant has submitted further information including revised trip rates. After receiving this information the Council's Transportation Unit accepts that the residual cumulative impact on the road network is unlikely to be severe.

Additionally Highways England had also requested additional information to allow them to assess the impact of the proposal on the Strategic Road Network. After the submission of this information, Highways England have assessed the proposal and raises no objection in terms of highway safety.

The application proposes 80 car parking spaces and 10 cycle spaces which are considered to be acceptable for the development proposed in this location.

The proposal includes the submission of a travel plan to encourage sustainable modes of transport. There are bus stops on Todwick Road within walking distance which makes the site accessible.

It is therefore considered that the proposal is acceptable from a highway safety aspect and is in accordance with the above 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, 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) inappropriate 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 has been supported by a Flood Risk Assessment which has been assessed as part of this application.

The Hospice has raised an issue regarding flooding matters. They have stated that their only access into the Hospice is via a bridge over Cramfit Brook, which currently floods in periods of heavy rain, and if the proposal would worsen this flooding it would have grave implications for ambulances, families and staff trying to reach the Hospice.

The Council’s Drainage Engineer acknowledges that there is a flood risk to their access and that the importance of the issue is understood. However he does not consider that the proposed development would have a significant effect on this flood risk and properly mitigated, will have no effect.

It is concluded that the proposal is acceptable from a drainage point of view and will not be detrimental to the Hospice from a flood risk aspect, subject to a planning condition requiring specific details, and is in compliance with the above 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."*

Policy SP34 'Sites Protected for Nature Conservation' states that *"Development or changes of use on land within or outside a statutorily protected site (either individually or in combination with other developments) which would adversely affect the notified special interest features, fabric or setting of the statutorily protected site will not be permitted."*

Development that would either directly or indirectly, adversely affect a non-statutorily protected site will not normally be permitted. An exception should only be made where the need for the development in that location outweighs both the impact on the site's intrinsic interest and any broader impacts on the national network of protected sites, and that adequate mitigation and / or compensation measures can be delivered."

Before any development or land use change that may affect a protected site is commenced any measures considered necessary to mitigate or compensate for any harm to the site or its features of interest must be agreed and put in place."

Policy SP35 'Protected and Priority Species' states that *"Planning permission for development likely to have a direct or indirect adverse impact on the following will only be granted if they can demonstrate that there are no alternative sites with less or no harmful impacts that could be developed and that mitigation and / or compensation measures can be put in place that enable the status of the species to be conserved or enhanced:*

- a. Protected species;*
- b. Species of principal importance for the conservation of biodiversity;*
- c. Species prioritised for action within the Rotherham Biodiversity Action Plan;*
- d. Populations of species associated with statutorily protected sites. Measures to mitigate and, or compensate for, any impact must be agreed prior to development commencing and should be in place by the time development is brought into use".*

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;"*

The application site is located to the west of Cramfit Brook and former Dinnington Colliery Site which is designated as a Local Wildlife Site, and the Development Guidelines stipulate that a 15m buffer should be provided for its protection.

The application was supported by an Ecological Survey, which has been assessed by the Council's Ecologist who is happy that the assessment was undertaken at the correct time of year.

The Survey includes recommendations for mitigation measures and biodiversity enhancement measures, such as tree and shrub planting to include native species, sensitive lighting, bird boxes, and new refuge habitat for Great Crested Newts and reptiles. In addition to this a Construction Environmental Management Plan (CEMP) should be required by condition to ensure that the Local Wildlife Site is protected as well as taking into account the potential presence of badgers. Subject to these conditions it is considered that the development is acceptable in terms of its impact on ecology.

Policy SP36 'Soil Resources' states, in part, that *"Development will be required to demonstrate the sustainable use of soils during construction and operation stages, where appropriate and to be determined in discussion with the Local Planning Authority..... Built development should be designed and sited with an appreciation of the relative functional capacity of soil resources and threats to soils with the aim of preserving or enhancing identified soil functions. Measures to incorporate green space and sustainable drainage elements that retain permeable surfaces, allow water infiltration, reduce soil erosion and maintain natural soil functions will be supported. Measures that waste soil resource, reduce soil quality, compact or pollute soils or that create a predominantly impermeable surface should be avoided."*

In this regard it is considered appropriate to attach a condition that requires the submission of details of the quality of soils on site and their movement and temporary storage during construction to ensure that the character of the soil is conserved.

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

CS19 'Green Infrastructure' states that *"Rotherham's network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas."*

A net gain in Green Infrastructure will be realised through the protection and enhancement of existing assets and the creation of new multifunctional areas, assets and linkages to include promoting: recreation and tourism, public access (including walking and cycling), green education, biodiversity (incorporating the promotion of ecological networks and habitat connectivity), public health and wellbeing, water management, the protection and enhancement of the local and national landscape character area and historic assets, the mitigation of climate change, green economic uses and sustainable land management."

Action will be targeted to the safeguarding and enhancement of functions and assets of the Strategic Green Infrastructure Corridors and any future refinement work and the delivery of objectives and actions identified in local and sub-regional Green Infrastructure Strategies. This will include long term management and maintenance of these assets.

Developer contributions will be used to facilitate improvements through quality, robustness, establishment, enhancement, and the ongoing management of Rotherham's Green Infrastructure, investing in enhancement and restoration where opportunities exist and the creation of new resources where necessary.

Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below:

- a. Securing provision, either on or off site, of an appropriate size, shape, scale and type and having regard to the nature of the development, its impact on the wider network and contribution to the overall quality of the area.*
- b. Avoiding damage to or loss of Green Infrastructure assets. Where loss is unavoidable and the benefits of the development outweigh the loss, appropriate mitigation and compensation measures, should be included as part of development proposals.*
- c. Investment in Green infrastructure will be prioritised to increase functionality of individual assets and safeguard existing functions, such as habitats for wildlife.*
- d. Improving connectivity between new developments and the Strategic Green Infrastructure network and providing buffering to protect sensitive sites.*
- e. Supporting ecosystem services, including the use and management of Green Infrastructure areas to reduce the impacts of climate change, using vegetation to cool the environment, provision of new open space to remedy the need for natural and semi natural flood storage and managing surface water to ensure landscape change impacted by climate change has long term benefits.*
- f. Promoting design which replicates or incorporates natural processes for river morphology and water storage along the regionally important rivers Don, Rother and Dearne.*
- g. Promoting innovative development which manages quantifiable risks such as flooding.*
- h. Assisting with the integration of new development into the natural and historic environment."*

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."

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

The application site lies adjacent to the Green Space of Dinnington Colliery Tip site which is a Local Wildlife Site. The site also lies within the Anston Brook/Sandbeck Local Green Infrastructure Corridor. The application has been supported by landscape masterplan, and through negotiations this has been amended to provide additional areas of landscaping along the western boundary with the Hospice to allow for a wider belt of either screen planting or a bunded area between the site and the Hospice.

It is therefore considered that the proposed landscaping of the site complies with Landscape and Green Infrastructure policy requirements and is acceptable subject to the details being approved via conditions.

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 National Planning Practice Guidance provides guidance on how planning can manage potential noise impacts in new developments. Local Planning Authorities have to identify whether the overall effect of the noise exposure would be above or below the significant observed adverse effect level and the lowest observed adverse effect level for the given situation.

These are classified as –

- Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.
- Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.
- No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.

It goes on to states that “At the lowest extreme, when noise is not noticeable, there is by definition no effect. As the noise exposure increases, it will cross the no observed effect level as it becomes noticeable. However, the noise has no adverse effect so long as the exposure is such that it does not cause any change in behaviour or attitude. The noise can slightly affect the acoustic character of an area but not to the extent there is a perceived change in quality of life. If the noise exposure is at this level no specific measures are required to manage the acoustic environment.

As the exposure increases further, it crosses the lowest observed adverse effect level boundary above which the noise starts to cause small changes in behaviour and attitude, for example, having to turn up the volume on the television or needing to speak more loudly to be heard. The noise therefore starts to have an adverse effect and consideration needs to be given to mitigating and minimising those effects (taking account of the economic and social benefits being derived from the activity causing the noise).

Increasing noise exposure will at some point cause the significant observed adverse effect level boundary to be crossed. Above this level the noise causes a material change in behaviour such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present. If the exposure is above this level the planning process should be used to avoid this effect occurring, by use of appropriate mitigation such as by altering the design and layout. Such decisions must be made taking account of the economic and social benefit of the activity causing the noise, but it is undesirable for such exposure to be caused.

At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring.

The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation.

These factors include:

- the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night;*
- for non-continuous sources of noise, the number of noise events, and the frequency and pattern of occurrence of the noise;*
- the spectral content of the noise (ie whether or not the noise contains particular high or low frequency content) and the general character of the noise (ie whether or not the noise contains particular tonal characteristics or other particular features). The local topology and topography should also be taken into account along with the existing and, where appropriate, the planned character of the area.”*

Bluebell Wood Children's Hospice is located to the west of the application site and provides specialist accommodation facilities for children and young adults with life-shortening and life-threatening conditions, and their families. The building is arranged in a crescent with the more sensitive accommodation rooms facing in a south to south-easterly direction away from the development site. These noise sensitive premises also have extensive gardens to the southern elevation of the site.

Bluebell Wood Children Hospice was granted planning permission on 6th August 2004, and at that time it was acknowledged that the site itself as well as the surrounding land was allocated for Industrial and Business Use on the former Unitary Development Plan, and as such developments falling within Use Class B2 (Industrial) would be acceptable in principle on these sites.

The Hospice has submitted a letter of representation which includes objections on the grounds of noise. They raised concerns that the Hospice would be occupied by vulnerable children and emotionally vulnerable families.

They also raised concern about working hours and delivery hours.

In relation to noise impacts the applicants have confirmed that any noise within the facility will not be detectable from the Hospice as the process taking place does not generate excessive levels of noise. It is considered that the main noise generating activity would be the process of refilling the silos. With this in mind and after discussions with the Hospice the applicants have amended the design of the proposal to relocate the external silos to the rear service yard to relocate them as far away as possible from the Hospice. They have also confirmed that deliveries to the site would only take place between 08:00 and 17:00 which are their normal working hours, and that work at the site after 17:00 would all be contained within the building with a low level of staffing.

The proposal includes an area of external plant equipment including roof mounted cooling units which will generate some back ground noise but will not be excessively

noisy. The applicant proposes a 4m high wall to all sides of the plant deck area to provide substantial acoustic attenuation.

Finally the internal road layout within the site has been amended on two occasions to prevent HGV's from passing near the Hospice, and to move the access to the car parking area further away from the boundary with the Hospice which allows for additional landscaping to be carried out in this area.

The applicants have been speaking with the Hospice and are looking into providing a landscaped bund between the application site and the Hospice. This area of land is outside of the application site boundary, and negotiations are still ongoing with a third party land owner. Whilst this would further mitigate any impacts of the proposal, it cannot be taken into consideration in the determination of this application as it is outside of the application site and currently cannot be guaranteed to take place. This bund and landscaping was not taken into consideration in the noise report, so if provided would provide additional mitigation.

The amended plans and amended noise assessment have been considered by the Council's Environmental Health Officers, and they consider that with the redesigned site layout and proposed mitigation measures along with conditions which should be attached to any planning permission, the proposal would be acceptable in terms of noise generation.

The noise assessment has taken into consideration the specific activities undertaken by the applicant United Caps. Permission is sought for a B2 Industrial Use, and if planning permission is granted any other B2 use could operate from the site. Due to the sensitive location of the site adjacent to the Hospice, and in accordance with all the submitted documents it is considered appropriate that, if granted, any planning permission should be on the basis of a personal permission, meaning that any other future operators would need to apply for planning permission to operate from the site.

The conditions would require the submission of a Construction Management Plan to control certain aspects of the construction process. In relation to the operational phase of the development conditions would require the submission and approval of details of plant and mitigation measures; imposing limits on daytime and night time noise levels; restrictions on the times of deliveries as well as the number of resin deliveries each day.

The application site is currently vacant, and so the presence of new industrial development will inevitably create some noise and disturbance to the Hospice. However, with the recommended conditions to limit and mitigate noise generated from the site, it is considered that the impact on the Hospice, as well as wider residential amenity, would not create a level of noise exposure above which significant adverse effects on health and quality of life occur such to justify recommending refusal on this allocated site. As such the proposal is considered to be acceptable in this regard.

In respect of land contamination the applicants have submitted a Geo- Environmental Report which has been assessed by the Environmental Health Section. This Report indicates that the application site has been subject to an industrial past including an infilled railway cutting, and a spoil heap being located across the site. Given the site's and surrounding sites' past uses there is potential for the land to be affected by contamination. The Environmental Health Officer has concluded that a detailed site investigation should be undertaken to assess both the geotechnical and geo-

environmental constraints at the site and any potential ground gassing regimes. Remediation works may be required to ensure the site is suitable for a proposed commercial end use.

In conclusion it is considered that conditions should be attached to require further detailed ground investigation to ensure that there are no risks from contamination which could impact on human health, and that the ground gassing regime is not significantly altered at the site.

In relation to Air Quality issues, an Air Quality Assessment has been submitted which looks at the Air Quality impacts of the proposal through the construction and operational phases on local air quality.

The Hospice has raised issues regarding air pollution in their garden areas, and a local resident queried if the proposal would generate air pollutants. The applicants have confirmed that the process they propose to carry out does not generate any noxious fumes.

The Air Quality Assessment states that construction of the development would have the potential to generate dust from construction activities and changes in air quality because of exhaust emissions from plant and construction vehicles. A range of measures to minimise or prevent dust would be implemented, and this could be controlled by a planning condition requiring details to be submitted for approval as part of a Construction Management Plan.

In relation to the operational phase of the development it is considered appropriate for an Electric Vehicle Charging point to be provided for 10% of the proposed parking spaces, as well as the Travel Plan to encourage sustainable modes of travel.. The Council's Air Quality Officer has assessed the submitted information and subject to the mitigation measures proposed has no objections. It is therefore considered that in relation to Air Quality issues the proposal is in accordance 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"*

Policy SP43 'Conserving and Recording the Historic Environment' states, in part that: *"Development proposals that affect known or potential heritage assets will need to provide supporting information in sufficient detail that the impact of the proposed scheme on those heritage assets can be established....., Heritage Statements should consider the impact of the specific development proposed with regard to: the setting of heritage assets on or in the vicinity of the site; detailed archaeological assessment; and the results of field evaluation."*

It is noted that the site is not located within or adjacent to a Conservation Area, nor is it located close to any Listed Buildings.

SP42 'Archaeology and Scheduled Ancient Monuments' stated, in part that *"Development proposals that may impact upon archaeology, whether designated as a*

Scheduled Ancient Monument or undesignated, will be considered against the following principles:

a. development that would result in harm to the significance of a Scheduled Monument or other nationally important archaeological site will not be permitted;

b. the preservation of other archaeological sites will be an important consideration.

When development affecting such sites is acceptable in principle, the Council will seek preservation of remains in situ, as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for archaeological recording to ensure an understanding of the remains is gained before they are lost or damaged, in accordance with Policy SP 43 'Conserving and Recording the Historic Environment'.

The site development guidelines require the proposal to be supported by a Heritage Statement for Archaeology. The application was supported by a Heritage Statement which has been assessed by South Yorkshire Archaeology Service (SYAS) who have commented that this area was considered during the archaeological assessment of local plan allocations and was assessed as having little or no archaeological potential. They therefore have no objections to the proposed development, and it is considered to comply with the above relevant Local Plan policies.

Conclusion

The site is allocated for Industrial and Business Use within the Local Plan and it forms the Employment Site E14 and as such, the proposal is acceptable in principle.

The scheme is acceptable in terms of the design and layout, highway safety, drainage, ecology and landscaping as well as other general amenity issues identified above. The scheme is considered to be sustainable and has notable benefits in terms of generating employment within the Borough.

Overall the scheme is considered to be in accordance with the development plan and with the policies in the NPPF.

Conditions

Article 35 of the Development Management Procedure Order 2015 requires that, where planning permission is granted subject to conditions, the decision notice must state clearly and precisely the full reasons: (i) for each planning condition; and (ii) in the case of each pre-commencement condition, for the condition being a pre-commencement condition. The reasons for each condition are provided below. Conditions numbered 10, 16, 17 & 26 of this permission are pre-commencement conditions (since they require matters to be approved before development works begin). These are justified as being pre-commencement conditions 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 10, 16, 17 & 26 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

General

01

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

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990 and to assist in the delivery of development.

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)

- Proposed Site Layout Drawing No. 11794-WMS-MS-00-DR-A-10000-SO-P9
- Preliminary Landscaping Masterplan Drawing No 11794-WMS-MS-00-DR-A-19800-SO-P2
- Aerial View 1 Drawing No. 11794-WMS-ZZ-XX-VS-A-10201-SO-P4
- 3D visual 1 Drawing No. 11794-WMS-ZZ-XX-VS-A-10211-SO-P3
- 3D visual 2 Drawing No. 11794-WMS-ZZ-XX-VS-A-10212-SO-P3
- Office Elevations Drawing No. 11794-WMS-OF-XX-DR-A-10610-SO-P6
- Office GA Plans Drawing No. 11794-WMS-OF-XX-DR-A-10410-SO-P9
- Elevation Plans Drawing No. 11794-WMS-MB-XX-DR-A-10600-SO-P6
- First Floor GA Plan Drawing No. 11794-WMS-MB-01-DR-A-10402-SO-P7
- Ground Floor GA Plan Drawing No. 11794-WMS-MB-00-DR-A-10401-SO-P12
- Block Plan of the Site Drawing No. 11794-WMS-ZZ-XX-DR-A-10021-SO-P2
- The Location Plan Drawing No. 11794-WMS-ZZ-XX-DR-A-10020-SO-P2

Reason

To define the permission and for the avoidance of doubt.

03

This permission shall be solely for the benefit of the applicant.

Reason

In order that the impact of any future potential commercial use on the nearby Bluebell Wood Hospice can be fully assessed.

04

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form, in the Design and Access Statement and on the approved drawings. 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

05

Details of the boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be erected on site before the development is brought into use.

Reason

In the interests of the visual amenity of the area and in accordance with the Development Plan.

Transportation/Sustainability

06

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained in accordance with the Local Plan and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems.

07

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. The approved details shall be implemented in accordance with the approved programme of implementation.

Reason

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

08

Before the development is brought into use the car parking areas 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.

09

Details of the 8 vehicle electric charging points and the timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable.

Reason

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

General Amenity

10

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 the quality of soil and its movement and temporary storage during construction
- details of proposed hours of construction on/deliveries to the site
- All loaded lorries leaving the site shall be securely and effectively sheeted.; 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.

11

During the hours of 07.00 to 23.00, the BS4142:2014 rating level, measured over 1 hour, shall not exceed the background sound level by more than 5dB above the background (LA90) at the nearest noise sensitive properties. During the hours of 23.00 to 07.00 the BS4142:2014 rating level, measured over 5 minutes shall not exceed the background sound level by more than 5 dB above the background (LA90) at the nearest noise sensitive properties.

Nearest noise sensitive receptors are as identified in the Sharps Redmore Noise Report 20th February 2019, Points 5.11-5.15 inclusive (Page 17).

Reason

To protect the amenity of nearby residents in accordance with relevant policies within the Local Plan.

12

No noise generating plant including mechanical ventilation or refrigeration/air conditioning extraction plant /chillers and free chillers, shall be installed in any part of the development until full and precise details to include their locations have been submitted to and approved in writing by the Local Planning Authority. The details shall include a BS4142:2014 noise assessment and 1/3 octave frequency analysis with appropriate corrections for acoustic features and shall detail any mitigation measures, physical or operational to achieve the following –

- The source sound level (expressed as rating level) shall not exceed 5dB above the measured background level at the nearest noise sensitive receptor as specified in the noise report, Sharps Redmore 20th February 2019, point 5.15 'Summary of measured ambient and background sound levels' (page 17).

Any approved mitigation measures identified in the report shall thereafter be implemented in their entirety and retained for the life time of the development.

Reason

To protect the amenity of nearby residents in accordance with relevant policies within the Local Plan

13

There shall be a maximum of two deliveries of resin to the site per day which shall be between the hours of 08.00 to 17.00 Monday to Saturday and no time on Sundays and Bank Holidays

Reason

To protect the amenity of nearby residents in accordance with relevant policies within the Local Plan

14

HGV deliveries to the site shall only be between the hours of 08.00-17.00 Monday to Saturday and at no time on Sundays and Bank Holidays.

Reason

To protect the amenity of nearby residents in accordance with relevant policies within the Local Plan

15

Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how the lighting meets the guidance provided by The Institute of Lighting engineers in their document 'Guidance Notes for the Reduction of Light Pollution'. The approved lighting details shall be implemented throughout the lifetime of the development.

Reason

To protect the amenity of the local residents from any unwanted light.

Contaminated Land

16

Prior to development commencing an Intrusive Site Investigation shall be undertaken to confirm the contamination status and ground gassing regime across the site and to determine fully the geotechnical constraints that may be present at the site. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted for approval by the Local Planning Authority. The approved details shall be implemented on site.

The above should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 -4).

Reason

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

17

Prior to the commencement of the development hereby approved, and subject to condition 16 above, a Remediation Method Statement shall be submitted to and approved by the Local Planning Authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in accordance with the findings identified within the Phase II Intrusive Investigation Report and under a full quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority must be given two weeks written notification of commencement of any remediation works.

Reason

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

18

Subject to condition 16 above, in the event that gas protection measures are still required for any new builds then a detailed specification of the gas protection measures to be installed shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented in the development.

Reason

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

19

If subsoils/topsoils are required to be imported to site for any phase of development for remedial works/areas of soft landscaping, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing will need to be presented in the format of a Validation Report to be submitted to and approved by the Local Planning Authority. The approved details shall be implemented in the development.

Reason

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

20

In the event that during development works unexpected significant contamination (including asbestos containing materials) is encountered at any stage of the process, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in the development.

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.

21

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

Reason

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

Ecology

22

Prior to the commencement of any over ground development details of the mitigation and enhancement measures identified in the submitted Ecological Assessment Revision A, along with timescales for implementation, shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented and maintained in accordance with the approved timescales.

Reason

To ensure that the biodiversity interest on the site is protected and enhanced in accordance with the Local Plan.

Landscaping

23

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- 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 the Local Plan.

24

Details of the Green Façade shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include species, details of and responsibilities for post-installation maintenance, including replacement of any areas that fail to establish, for a minimum period of 5 years. The approved details shall be implemented prior the building first being brought into use.

Reason

To ensure that there is a well laid out scheme for the Green Wall in the interests of amenity and in accordance the Local Plan.

25

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 the Local Plan.

Drainage

26

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

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus 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.

27

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

Reason

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

Sustainability

28

The building hereby approved shall be designed and constructed to achieve BREEAM Very Good rating as a minimum unless it can be demonstrated that it would not be technically feasible or financially viable.

Reason

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

Informatives:

01 General Amenity

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.

02 Ecology

Under the Wildlife and Countryside Act (1981) it is an offence to intentionally kill, injure or take any wild bird; to intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built; and to intentionally take or destroy the egg of any wild bird. Any potential removal of trees, shrubs and long vegetation may have the potential to adversely affect nesting birds. Clearance works should, therefore, be conducted outside of the bird breeding season, between October – February inclusive. Where this is not practicable, a nesting bird survey must be carried out by a qualified ecologist prior to clearance works. Any located nests must then be identified and left undisturbed until the young have fledged and the nest is abandoned. These measures should be incorporated into a CEMP for the project.

03 Severn Trent

Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have 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 you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. .

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2018/1692
Proposal and Location	Change of use to restaurant (use class A3), 151, 153 & Unit 6 The Courtyard, Bawtry Road, Wickersley
Recommendation	Grant subject to conditions

This application is being presented to Planning Board due to the number of objections received.



Site Description & Location

The application relates to three existing retail units located in a shopping parade on Bawtry Road at Wickersley. The site consists of 151 and 153 Bawtry Road and Unit 6 the Courtyard. The site currently comprises of three adjacent un-occupied Retail Units which were previously used as a Butcher, a Delicatessen and a Tattoo Parlour. It is understood that that the butchers closed in January 2018. The upper floors appear to be in use as Wickersley Foot Clinic.

There are several other A3 and A5 uses within the parade as well as a number within the main Wickersley centre on the southern side of Bawtry Road, approximately 80m to the south of this site.

The nearest residential properties lie approximately 30m to the north west of the site.

Background

The property has a long history of use as retail. The most relevant planning history can be summarised as follows:

RB2005/2323 – Change of use of a building to class A3 (restaurants & cafes) for use as extension to existing premises – granted

RB2018/0109 – In 2018 an application to change the use of the property into an A4 Use was refused for the following reason

01

The Council considers that the loss of the existing A1 retail units to an A4 drinking establishment in this Prime Shopping Frontage would be detrimental to the vitality of the shopping centre, contrary to Core Strategy Policy CS12 and Policies SP19 and SP20 of the Sites and Policies Document (June 2018).

Proposal

This application is for the change of use of the three premises from retail (Class A1) and Sui Generis uses to a combined unit as a restaurant (Class A3).

There is no additional building work to take place to the external elements of the building to facilitate the proposal and no new floor space is to be created. This is with exception of a 2.57sqm brick extension to the former Tattoo Parlour which will provide a cellar to the bar area. This extension will be carried out in brick to match the existing.

The proposed opening hours for the A3 use is as follows:
08:00 – 00:00 7 days a week.

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

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 site is allocated for Retail in the Local Plan.

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

Core Strategy policy(s):

CS12 Managing Change in Rotherham's Retail and Service Centres

Sites and Policies Document:

SP 19 Development Within Town, District and Local Centres

SP 20 Primary Shopping Frontages

SP 52 Pollution Control

Other Material Considerations

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

National Planning Policy Framework: The 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.

Publicity

The application has been advertised by way of site notices being displayed on and around the site (14 November 2018) and letters to neighbouring properties (25 October 2018). Twelve representations have been received including Wickerley Parish Council and can be summarised as follows:

- The units lie within the primary shopping frontage of Wickersley district centre where the majority of uses should be maintained as A1 retail use to ensure the centre retains its main function as a place to shop and provide the range of services.
- Policy SP20 of the Local Plan requires the concentration of A1 shops in the Primary Shopping Frontage not to fall below 65% or further reduce the current percentage of A1 shops where the concentration is already below that figure.
- The percentage of A1 uses including those two units was 63% according to the latest and up to date survey carried out by RMBC which is already below the 65% figure. If these two units are lost to A3 use then the percentage would fall to 59% and would be clearly contrary to policy SP20 which has only recently been adopted and therefore completely up to date.
- The town and district centre policies of the Local Plan fully recognise the important role that other uses such as restaurants play within such centres but rightly seeks to prevent non A1 uses becoming dominant in the primary locations.
- Wickersley is now generously supplied with cafes and restaurants.
- To allow two further units within the Primary frontage to become a restaurant would further erode the attractiveness of Wickersley centre as a place to shop during the daytime.

- There is no indication that these units have been marketed for A1 use since they became vacant.
- There is no parking provision serving these units and a restaurant use would exacerbate the existing significant parking shortfall on this side of the district centre.
- The increase in drinking and eating establishments on this side of the district centre means that the parking pressures continue during the evening hours and hence a restaurant use which would open until late at night would result in cars being parked in the residential streets with customers returning to their cars late at night with resulting noise and disturbance. I
- This new venture will bring more noise detrimentally affecting quality of life.
- The area already suffers from inconsiderate parking and anti-social behaviour which would become worse
- The proposal should be refused on the same grounds as the earlier application RB2018/0109.

Consultations

RMBC (Planning Policy) – no objections following the submission of further evidence

RMBC (Transportation and Highways Design) – Concerns raised, but do not recommend refusal.

RMBC (Environmental Health) – 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 development
- Impact on surroundings and residential amenity
- Highway issues

Principle of development

Paragraph 23 of the NPPF states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. It also indicates that in drawing up Local Plans, local planning authorities should, amongst other things:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;

- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations.

The site is allocated for retail use. Core Strategy Policy CS 12 'Managing Change in Rotherham's Retail and Service Centres' indicates that new retail, leisure, service facilities and other main town centre uses will be directed to the most appropriate centre in line with the hierarchy of centres. It also indicates that proposals will be expected to demonstrate how they contribute towards the strategy for each centre.

Policy SP 20 Primary Shopping Frontages states the following:

"To protect and enhance the concentration of A1 shops within Primary Shopping Frontages proposals for A2 financial and professional services and A3 restaurants and cafés uses at ground floor level will be supported where it can be demonstrated that they would:

- a. not dilute the concentration of A1 shops in the Primary Shopping Frontage below 65%, or further reduce the current percentage of A1 shops where the concentration is already below 65%; and*
- b. not detract from the appearance and character of the frontage; and*
- c. retain an active frontage and where the proposal relates to a premises with an existing shop front, the shop window would continue to be used for display purposes.*

Uses other than those identified above (except for public toilets, baby changing and breast feeding facilities) will not normally be supported at ground floor level."

The proposal would result in the loss of two A1 uses at ground level within a Prime Shopping Frontage. Planning Policy initially raised concerns with the original submission on the grounds that the proposed development would result in a reduction of A1 units within the Primary Shopping Frontage from 63% to 61% (based on monitoring data of October 2018).

The applicant subsequently submitted additional information including updated survey data. This has been further assessed and the Council's monitoring data has also been updated as of 7 February 2019. Overall the updated survey data shows that currently there are 31 A1 uses (including vacant units which could return to this use) which account for 67% of units within the primary shopping frontage. The proposed use would result in the loss of two A1 and one sui generis unit, combining these to form one new A3 unit. As a result the total number of units would be reduced by 2. The number of A1 uses would therefore reduce slightly to 66%.

Following the submission of additional details along with the revised and updated monitoring information for the primary shopping frontage, the Policy team are now satisfied that it would comply with criterion a. of Policy SP20 Primary Shopping Frontages, which supports proposals for A3 development where they would not dilute the concentration of A1 shops in the Primary Shopping Frontage below 65%, or further reduce the current percentage of A1 shops where the concentration is already below 65%.

With regard to a number of the comments which refer to the previously refused application RB2019/0109; Policy SP20 does not support A4 uses in Primary Shopping Frontages. It notes only that A2 and A3 uses will be permitted where the criteria set out

are met. Accordingly this proposal is materially different in policy terms to the earlier refusal and is in accordance with the above policy. The proposal is therefore considered acceptable in principle.

Highway safety

Turning to highway safety, the Transportation Unit note that the premises do not benefit from on site parking and rely on the public highway for staff/customer car parking. The service road fronting the site is subject to significant parking demand and measures are currently being proposed to address this.

The Transportation Unit are of the opinion that the intended restaurant use has the potential to generate increased parking demand which could erode the benefits of the intended parking measures. This could result in further parking in the adjacent residential street, The Grove.

However, reference also needs to be made to the previous application RB2018/0109 which was not opposed on highway grounds in view of the highly sustainable location in transport terms including good access links with Wickersley District Centre and satisfactory public transport along Bawtry Road. The premises have an established use for retail purposes and the Council has maximum parking standards for new commercial development.

In this instance it is also considered reasonable to assume that a significant proportion of future patrons are likely to use public transport, or more likely to travel communally in private transport than would be the case for retail uses. The peak hours of this proposed use are likely to be in the evenings when the pressure on parking demand for the other retail uses in Wickersley is likely to be smaller. The applicant is also seeking to minimise disruption to residents through the submission of a Travel Plan which would be conditioned. Whilst the final details would need to be agreed, it is anticipated that this would encourage use of the main established car parking area on the south side of Bawtry Road. Use of public transport to the site would also be encouraged. It is considered that these measures would help alleviate parking issues and reduce the impact on nearby residents.

Overall the proposal is not considered to generate a significant adverse highway safety issue. Consequently whilst it is acknowledged that there are some concerns with future parking, on balance it is not considered that a highway safety reason for refusal could be justified in this case.

Impact on the surroundings and residential amenity

In regard to the impact on the amenity of neighbouring residents, policy SP 52 Pollution Control seeks to minimise the adverse effects of nuisance and disturbance associated with development. A number of the objections received raise noise and amenity issues. The nearest residential property lies at 68 The Grove, approximately 25m from the rear section of the building.

It is proposed to change the opening hours for the A3 use up to 00.00 throughout the week.

This site lies within an established parade of units which form the centre of Wickersley. There are some A3 and A4 uses within the parade which currently have late night uses operating. These include the Olive Lounge, The Courtyard and Masons Arms pub.

All of these units generally have opening hours till between midnight and 1am during the week and at weekends, with the exception of The Courtyard which is closed on Sundays.

Conclusion

Taking all of the above into consideration it is considered that the proposed development would contribute towards the strategy for Wickersley district centre as set out in Core Strategy Policy CS12. Planning Policy have concluded that the Revised detail within the proposal submission would be in accordance with Sites and Policies Document Policies SP20. Overall the proposal is not considered to dilute the concentration of A1 shops in the Primary Shopping Frontage below 65%.

The site is within a sustainable location and whilst this does not have on site car parking and will rely on the public highway for staff/customer car parking, the Transportation Unit do not consider that the proposal would have an adverse impact on highway safety.

There are several existing A3 restaurants and cafes operating in the local area and it is not considered that this change of use would have any additional adverse effect on residential amenity. 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) (Drawing numbers site and location plan 18/002 P1, proposed floorplan 18/002 P03 Rev A)(received 23/10/2018).

Reason

To define the permission and for the avoidance of doubt.

03

The Use hereby approved shall only operate between the following hours:
08:00 – 00:00 throughout the week

Reason

In the interests of residential amenity.

04

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

The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required. Likewise any external changes to the shop frontages of the existing units will require additional planning consent which should be applied for separately.

02

The applicant is reminded to obtain any necessary licences required from the Environmental Health department.

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.