

PLANNING REGULATORY BOARD

Date:- Thursday, 25 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 4th April, 2019 (herewith) (Pages 2 - 3)
6. Deferments/Site Visits (information attached) (Pages 4 - 5)
7. Development Proposals (herewith) (Pages 6 - 129)
8. Report of the Assistant Director of Planning, Regeneration and Transport (herewith) (Pages 130 - 135)
9. Updates
10. Date of next meeting - Thursday, 16th May, 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
4th April, 2019

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

An apology for absence was received from Councillor Whysall.

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

95. DECLARATIONS OF INTEREST

Councillor Walsh declared a personal interest in application RB2018/1236 (erection of 94 No. dwellinghouses including new access road and landscaping at land to the south of Wood Lane, Treeton for Jones Homes (Yorkshire) Ltd.) on the grounds that, as part of his role as an Elected Member for the Rother Vale Ward, he had provided the Treeton community with advice and information regarding the planning application.

Although he had remained impartial and objective, he was aware that the applicant could infer bias, therefore, he would neither speak or vote on the application.

Councillor Sansome declared a personal interest in application 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.) on the grounds that he lived within the political boundaries of the ward but had had no connection with the application.

96. MINUTES OF THE PREVIOUS MEETING HELD ON 14TH MARCH, 2019

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 14th March, 2019, be approved as a correct record of the meeting.

97. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

98. 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:-

- Erection of 94 No. dwellinghouses including new access road and landscaping, land to the south of Wood Lane, Treeton (RB2018/1236)

Ms. C. Plant (Applicant)
Mr. R. Baker (Objector)

- Erection of industrial unit (use Class B2) with ancillary warehouse and office building, land off Todwick Road, Dinnington (RB2018/1683)

Chris Dawkins (Applicant)
Mr. D. Smith (Objector)
Councillor Vjestica (Objector)
Ms. M. Oldale, Bluebell Wood Hospice (Objector)

(2) That applications RB2018/1172, RB2018/1236 and RB2018/1692 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That application No. RB2018/1683 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report together with the following additional and amended conditions:-

99. UPDATES

Members were invited to notify the Chair of any suggested sites for inclusion in the Planning Board's tour of completed developments, due to take place late May/early June, 2019.

100. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 25th 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
25 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.

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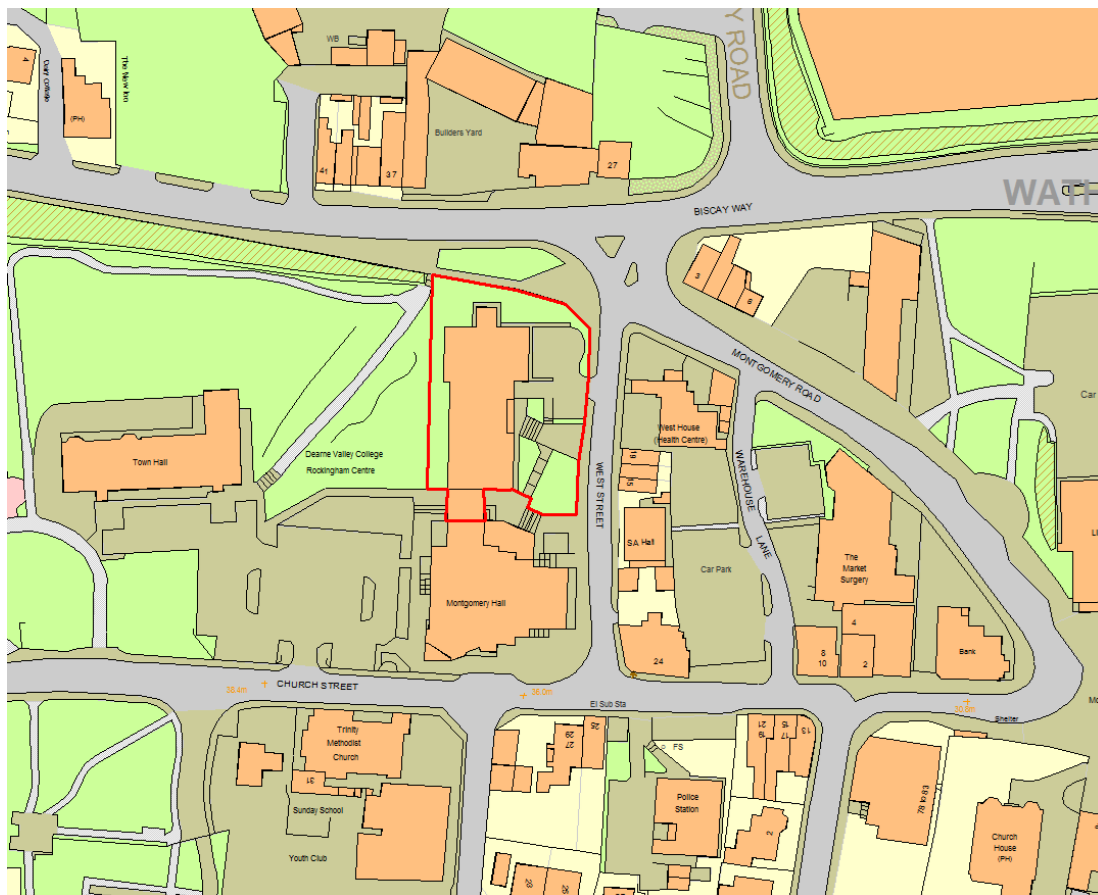
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**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 25 APRIL 2019**

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	RB2018/1738
Proposal and Location	Conversion of existing building to create 24 No. apartments at the former Rockingham College Of Further Education West Street Wath-upon-Dearne
Recommendation	Grant subject to conditions

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



Site Description & Location

The site comprises of a three storey building known as the Rockingham Centre and a small parking area to the east. To the north of the site is Biscay Way with Tesco Extra beyond. To the south is Montgomery Hall, a community facility and associated car park. To the west is a landscaped area associated with the Town Hall which is a Grade II Listed Building and All Saints Church which is also Grade II Listed is beyond.

The Centre was previously used for educational and training purposes and was most recently occupied by Dearne Valley College. It is however estimated that the building has been vacant for approximately 2 years.

Vehicular access to The Rockingham Centre is via West Street.

Background

The site has no planning history relevant to this application.

CIL

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

Proposal

The planning application seeks a change of use from education (use class D1) to 24 apartments (use class C3) with associated parking (11 spaces) and amenity space.

The conversion will provide 19 x one bed apartments and 5 x two-bedroom apartments. The existing car park to the front of the Rockingham Centre will be rationalised to create 10 standard car parking spaces plus one disabled space. Provision is also made for a cycle store in the lower ground floor area. The existing soft landscaping at the frontage of the building will be retained and additional new soft and hard landscaping will be provided to the frontage and side of the existing building.

The external alterations to the building are limited to those required to facilitate the conversion of the building into apartments. On the Church Street elevation, it is proposed to insert a new full height louvered opening. Two new windows will be inserted onto the Biscay Way elevation that creates two double width openings at ground and first floor in the hallway of the building. All of the existing windows openings have been slightly modified with lowered cills. It is proposed as part of the conversion to replace all of the existing windows with anthracite grey UPVC profile windows.

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

Design and Access Statement

The statement provides details on the site, history and the proposed scheme.

Planning Statement

The statement provides details on the site, relevant planning history, stakeholder engagement and policy context.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 28th June 2018.

The application site is allocated as a Community Facility in the Local Plan and lies within Wath Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy

CS1 'Delivering Rotherham's Spatial Strategy'
CS3 'Location of New Development'
CS7 'Housing Mix and Affordability'
CS14 'Accessible Places and Managing Demand for Travel'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscapes'
CS22 'Green Space'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS33 'Presumption in Favour of Sustainable Development'

Sites and Policies

SP1 'Sites Allocated for Development'
SP11 'Development in Residential Areas'
SP26 'Sustainable Transport for Development'
SP35 'Protected and Priority Species'
SP37 'New and Improvements to Existing Green Space'
SP52 'Pollution Control'
SP55 'Design Principles'
SP56 'Car Parking Layout'
SP62 'Safeguarding Community Facilities'
SP40 Listed Buildings
SP41 Conservation Area

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.

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

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 1 letter of representation has been received together with 1 right to speak.

The issues raised are summarised below:

- the area is prone to high levels of anti-social behaviour and criminal damage. Depending on the client demographics being placed in the flats this could increase causing us to be directly impacted.
- The planning application states there is space for 10 cars. How can the occupants of the flats park their cars when there is more flats than spaces? This will cause issues on parking in the area (and potentially on double yellow lines) preventing access to our drive and also passing buses and traffic etc.
- Are the flats being issued to the local authority for social housing? Are they to be sold or rented privately? How are the owners planning on ensuring the behaviour and actions of their tenants are acceptable? Are we going to have to put up with loud music at night with an increase in drug and alcohol issues?

Consultations

RMBC – Transportation and Highways Design raise no objections subject to conditions.

RMBC – Ecology raise no objections to the proposed development, however recommend that roosting habitats available to bats, bat tubes, bricks or boxes should be incorporated into the proposals.

RMBC – Environmental health have assessed the information contained within the submitted Noise Assessment and note that the main source of noise will be as a result of traffic travelling along the B6097 West Street. This has the potential to result in a source of noise nuisance for future occupiers, however it can be mitigated against via the installation of standard double glazing rated at ≥ 30 dB. A condition securing this is recommended.

RMBC – Drainage raise no objections to the proposed development and do not wish to recommend any conditions.

South Yorkshire Police recommend that the development is designed and built to Secured 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 issues to take into consideration in the determination of the application are –

- Principle
- Impact on Conservation Area and adjacent Listed Buildings
- Transportation issues
- General Amenity
- Affordable Housing

Principle

The site is allocated as a Community Facility in the Sites and Policies document which forms a part of the Local Plan. In relation to the principle of the development, Policy SP62 'Safeguarding Community Facilities' is applicable. This policy 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 applicant has in their supporting statement provided information, together with sales particulars which they consider considers these points. The submitted statement includes details of marketing and confirmation of why the premises are no longer required by the college.

Having regard to the marketing of the site, the applicant has confirmed that:

“Signage was fixed to the property from the day it went to the market in July 2017 and as of the 21st January 2019 the board was still on the property.”

Sales particulars were also “distributed by Burgess Commercial to over 2,000 contacts that they had on their data base that comprised of local Chartered Surveyors, companies and individuals. This mailing list was sent on a monthly basis and detailed the Rockingham Centre, which was in addition to the sales particulars. During this time, with the exception of the applicant, the agent only received one enquiry but this was not pursued; the reasons are not known for the lack of interest from enquirer.

There has been no interest from any social enterprise or charitable group during the period since the premises were put on the market in July 2017. Given that the board has remained in a prominent place on the building during this two and a half year period, if this building was of interest to a local community group or charitable enterprise there has been sufficient opportunity for them to make enquiries with the agent; no such enquiries have been received.”

Taking all of the above into consideration it is clear that the site has been sufficiently marketed for in excess of 12 months and opportunities to re-let the premises have been fully explored, including the formation of a social enterprise or charitable group that can take over the premises. Accordingly it is considered that the requirements of criterion d and e of Policy SP62 have been met.

Having regard to criteria f and g, a copy of the sales brochure has been submitted in support of the application which provides an indicative sales price. This price is considered to be commensurate with the values of similar buildings within the wider area. Additionally, it has been established that no reasonable offer has been refused and as such the proposed development is considered to accord with the requirements of criterion f and g.

Taking all of the above into account, it is considered that sufficient evidence exists that the site has been marketed for a minimum of 12 months and at a price that is commensurate with market values. Accordingly it is considered that the proposal

complies with the requirements of Policy SP62 in that the loss of this community facility can be fully justified.

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 on the edge of Wath Town Centre where this is a variety of shops and services which will benefit future occupants of the proposed conversion. As such it is clear that the site lies within a highly sustainable location and therefore meets the requirements of Policy SP64.

Impact on Conservation Area and adjacent Listed Buildings

The site lies within Wath Conservation Area. There are also two listed buildings to the west of the site which include The Town Hall (Grade II listed) and All Saints Church (Grade I listed). Accordingly, the following policies apply:

Policy SP40 Development proposals affecting a Listed Building or its setting will be considered against the following principles:

- a. special regard will be given to the preservation of Listed Buildings and structures. Therefore substantial harm to or demolition of a Listed Building will be strongly resisted;
- b. the significance of a Listed Building can be harmed by unsympathetic extensions or alterations to its appearance, plan form or replacement of windows. Extensions and alterations to a Listed Building will only be considered acceptable where they relate sensitively to the Listed Building and preserve or enhance the special interest and significance;
- c. the Council encourages the development of good quality, contextual design, including any development within the setting of Listed Buildings. Development which has an adverse effect on the setting of Listed Buildings will not be acceptable.....

Policy SP41 Conservation Areas states that Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles:

- a) developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham's Conservation Areas and their settings;
- b) there is a presumption in favour of the preservation of buildings and structures, both listed and unlisted, which make a positive contribution to the special character or appearance of Conservation Areas.

- c) spaces, street patterns, views, vistas, uses, trees and landscapes which contribute to the special character or appearance of a Conservation Area will be safeguarded.....

The development proposals involve the reuse of the existing building with minimal external changes, confined to a new full height louvered opening, two new windows openings and replacement windows. Accordingly, it is considered that the proposals will have a neutral impact on Wath Conservation Area and the nearby listed buildings. The proposals are therefore considered to comply with the provisions of wit Policies SP40 and SP41.

Provision of open space on the site

The South Yorkshire Residential Design guide identifies external amenity space standards for new residential developments. It states that “Shared private space for flats must be a minimum of 50 square metres plus an additional 10 square metres per unit”.

There are two areas of amenity space proposed as part of the development. The total area of these spaces is 276sqm which is marginally short of the standards advocated in the guidance (290sqm). However, there is a nearby recreational space to the north and north east of the development which is within approximately 5 minutes’ walk (0.3 miles) of the site and could be utilised by new residents. It is therefore considered that the provision of amenity space is met and sufficient amenity space exists either within the site boundary or within easy walking distance in accordance with the provisions of the guidance contained within the SYRDG.

Transportation issues

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

CS14 ‘Accessible Places and Managing Demand for Travel’ states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, 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.

SP26 ‘Sustainable Transport for Development’ states development proposals will be supported where it can be demonstrated that the proposals make adequate arrangements for sustainable transport infrastructure; local traffic circulation, existing parking and servicing arrangements are not adversely affected; the highway network is, or can be made, suitable to cope with traffic generated, during construction and after occupation; and the scheme takes into account good practice guidance.

Policies CS14 and SP26 are supported by paragraphs 108 and 110 of the NPPF.

SP56 ‘Car Parking Layout’ states layouts must be designed to reduce the visual impact of parking on the street-scene; discourage the obstruction of footways and ensure in-curtilage parking does not result in streets dominated by parking platforms to the front of properties.

The proposals seek permission for the conversion of the existing building to form 19 x one bed apartments and 5 x two-bedroom apartments. It is also proposed to reconfigure the existing car parking area to the east of the building to create 11 car parking spaces. Ordinarily a development of 24 No. apartments would warrant 36 No. parking spaces to accord with the Council's car parking standards. However, the property is considered to be in a highly sustainable location in transport terms being close to the bus interchange, public car parking and within convenient walking distance of day to day facilities. In addition, the highways in the vicinity are subject to waiting restrictions.

Having regard to these circumstances, the Transportation Infrastructure Service have confirmed that they raise no objections to the proposed development subject to the submission of a Travel Plan which should include measures to promote sustainable travel initiatives which can be secured by a condition.

Taking this into account, the scheme is considered to be in compliance with the relevant paragraphs of the NPPF, Local Plan policies CS14 'Accessible Places and Managing Demand for Travel', SP26 'Sustainable Transport for Development' and SP56 'Car Parking Layout' and the relevant guidance including the Council's adopted Parking Standards, Manual for Streets and South Yorkshire Residential Design Guide.

General Amenity

Paragraph 127(f) of the NPPF states planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Policy SP52 'Pollution Control' states: "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.....

Having regard to the proposed development, the conversion of the building will introduce a sensitive use into this mixed use area which comprises of business uses to the east, a community hall physically attached to the south, retail to the north and a church to the west. Consideration therefore needs to be had to the impact of these uses on any future residential development.

With regard to noise nuisance, Montgomery Hall is physically attached to the application building. This community facility has an historic use and therefore is not restricted by any planning conditions to the hours of use. It is known that they often hold community events which include small scale shows and gatherings which may be held in the early evenings. By introducing a residential use within the attached building there is the potential for noise to emit from Montgomery Hall into the residential properties which would potentially lead to complaints from future residents. As such the Applicant was asked to provide a Noise Assessment.

This assessment acknowledges that Montgomery Hall, which is a multi-purpose community venue adjoins the application property and the B6097 West Street lies immediately to the north.

In order to establish the ambient noise levels at the application site, baseline noise surveys were carried out for 2 consecutive days/nights and a separate day/night in order to correspond with a live rock music event at the adjacent Montgomery Hall. The results of the surveys established that the daytime ambient noise climate throughout the application site was characterised (dominated) by road traffic on the B6097 West Street with no other significant noise sources. Music noise associated with a live event at Montgomery Hall was audible in lulls in traffic during the evening, but was not significant. The music was noted to finish at 2250 hours and although the first floor of the application site directly abuts Montgomery Hall, the main concert hall is significantly lobbied internally by intervening ancillary spaces and no internal noise break-in was noted through the shared party wall during the live music event.

Accordingly, the ambient noise climate is dominated by road traffic and not the use of Montgomery Hall. Music noise associated with Montgomery Hall was audible during a live event, but was not significant, with road traffic remaining dominant. A scheme of sound insulation works has been developed to protect the development from the ambient noise climate, in accordance with the 'good' standard detailed in British Standard 8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings'. This includes the use of specific double glazing within the elevation adjacent to West Street which can be secured via a suitably worded condition(s).

Taking all of the above into account it is considered that the submitted noise assessment adequately addresses the potential for any disamenity from nearby noise sources and subject to the implementation of appropriate mitigation is acceptable and in accordance with Policies CS27 'Community Health and Safety' and Policy SP52 'Pollution Control'.

Turning to the amenity of future residents, The South Yorkshire Residential Design Guide identifies internal space standards for new residential developments and changes of use. This guidance advocates a minimum of 46sqm for 1 bedroom properties and 62sqm for 2 bedroom properties. The vast majority of the 1 bed properties meet or exceed these standards, with the exception of 4 apartments which fall short by 1sqm or less and 2 of the 2 bed apartments which fall short by approximately 2sqm.

Taking this into account, together with the fact that the proposals are for the conversion of an existing building it is considered that an adequate level of amenity will be afforded to future residents.

Paragraph 170 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

Policy CS20 'Biodiversity and Geodiversity' states: "The Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources ..."

Policy SP33 'Conserving the Natural Environment' states: "Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery..."

Policy SP35 'Protected and Priority Species' states: "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."

The submitted Preliminary Bat Roost Assessment is considered to raise no significant issues and its contents are generally supported. It states that a thorough external and internal inspection of buildings to look for evidence of bats and assess bat roosting potential took place. During the external survey the roof and walls were inspected from ground level to search for gaps and voids that would allow bats access to suitable roost sites. No direct evidence of bats was found during the external and internal survey which is due to the building being well sealed throughout with no potential entry points or roost features. The interior was also found to offer very limited roosting opportunities if bats were to gain access into building. Accordingly, the building is considered to have negligible suitability to support bat roosts and as such the scheme would be in compliance with paragraph 170 of the NPPF and Local Plan policies CS20 Biodiversity and Geodiversity'; SP33 'Conserving the Natural Environment' and SP35 'Protected and Priority Species'.

Affordable Housing

In regard to affordable housing provision, policy CS7 'Housing Mix and Affordability' states:

- a) Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community.
- b) The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:
 - a. Sites of 15 dwellings or more shall provide 25% affordable homes on site...

Notwithstanding the above, it is acknowledged that the premises have been vacant for some considerable time. Accordingly vacant building credit has to be taken into consideration. Vacant Building Credit (VBC) was introduced in 2016 to incentivise the

development of brownfield sites containing vacant buildings. NPPF Guidance states that where a vacant building is brought back into any lawful use or is demolished and replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of the relevant vacant buildings when the Local Planning Authority calculates and Affordable Housing contribution.

Taking this into consideration, vacant building credit is applicable to this application and given there is no increase in gross internal floorspace, no affordable housing contribution is sought.

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, it is recommended that planning permission be granted subject to conditions

Conditions

GENERAL

01

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

Reason

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

02

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

- Proposed Site Layout Plan – Dwg No. P06 Rev A
- Proposed Lower Ground & Ground Floor Plan – Dwg No. P07 Rev B
- Proposed First Floor Plan – Dwg No. P08 Rev B
- Proposed Elevations – Dwg No. P09

Reason

To define the permission and for the avoidance of doubt.

AMENITY

03

Prior to first occupation, all habitable rooms within the northern elevation adjacent to the B6097 West Street shall be fitted with standard double glazing rated at ≥ 30 dB and acoustic trickle vents rated at ≥ 42 dB and remaining habitable rooms must be fitted with standard double glazing rated at ≥ 30 dB and standard trickle vents

Reason

To protect the amenity of future occupiers and to meet the current standards laid out by the World Health Authority Community Noise Guideline Values/BS8233 “good” conditions.

TRANSPORTATION

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.

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	RB2018/1960
Proposal and Location	Demolition of existing café and erection of a bungalow and detached garage & formation of vehicular access at 2a Worksop Road, Woodsetts, S81 8RN
Recommendation	<p>A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • A commuted sum of £640 towards off-site planting of 2 trees <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

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



Site Description & Location

The application site is located within the centre of the village of Woodsetts on land consisting of a single-storey building last used as a café with associated hardstanding.

The site lies close to the crossroads of Worksop Road with Gildingwells Road and Lindrick Road. Immediately adjacent and to the west of the site is a grassed area beyond which is the Millennium Garden, and a play area lies to the north with Woodsetts Village Hall beyond. A detached dormer bungalow (No. 2 Worksop Road) sits to the east of the site, with other residential properties directly opposite across Woodsetts Road. To the south west of the site is St George's Church.

The land in question is largely level and raised slightly above the road. Trees are located along the northern boundary.

Background

There have been no previous planning applications submitted relating to this property.

Outline planning permission for a single storey dwelling, including details of scale, was approved on land adjacent to the application site (RB2015/1229) on 14/12/15.

A current full application for the erection of a single bungalow on the adjacent land has also been submitted and is considered separately on this agenda (RB2018/1995).

CIL

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

Proposal

The application is for the demolition of the existing building and erection of a 2 bedroom bungalow with detached garage and formation of vehicular access.

The bungalow would be of a hipped-roof form with a modest projection at the front. The building would be sited 1.7 metres from the side boundary with the front garden of no. 2 Worksop Road and would be set back from the footpath by 1.3 metres. It would be located 2 metres off the northern boundary.

The garage would be sited along part of the site's western boundary and close to the northern boundary of the site. It would be at the end of a driveway and would be of a hipped roof form with a single garage door to the front.

The house and garage are proposed to be constructed with coursed old rumbled artificial stone with a terracotta pantile red roof.

The garden would be sited to the west of the property between the west elevation of the house and the east elevation of the garage and to the north of the dwelling. The garden area would be approximately 74 sq. metres in area.

The existing wall and boundary fence along the party boundary with no. 2 Worksop Road shall be replaced with a 2 metre high fence. To the front a new boundary wall would be set 1.4 metres back from the footpath and would be 1.9 metres high with

landscaped area between the wall and the footpath. A new tree is proposed to be planted in the garden of the dwelling proposed on this site and within the garden of the property proposed on the adjacent plot. A new hedgerow is proposed to be planted along the north and east boundaries of this site.

A new vehicular access would be formed just to the west of an existing lamp post and the existing access, which would be closed off and the existing drop kerb shall be made good.

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

Design and Access Statement

The Statement provides details of the site and the proposal.

Tree Survey and Report

The document provides details of mitigation to address the loss of trees on the site; this includes a replacement tree and hedgerow on the site and a commuted sum contribution for off-site tree planting.

Noise Report

The report concludes that the children's playground had no impact on the measured levels, and that they were controlled throughout by local and more distant traffic noise. External noise intrusion into the dwelling can be readily controlled to acceptable levels by means of standard double glazing and basic acoustic trickle vents. A 1.8m high solid wall or fence along the front boundary would be required to control road traffic noise to the level recommended by the Council's Environmental Health department.

Planning Statement

The statement provides evidence of how the proposal satisfies policy SP62 'Safeguarding Community Facilities'.

Land Contamination

A screening assessment has been provided indicated that the land has been as domestic land.

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 Community Facilities in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS14 'Accessible Places and Managing Demand for Travel'
CS21 'Landscape'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS29 'Community and Social Facilities'
CS33 'Presumption in Favour of Sustainable Development'
SP26 'Sustainable Transport for Development'
SP52 'Pollution Control'
SP55 'Design Principles'
SP62 'Safeguarding Community Facilities'

Other Material Considerations

Council's Car Parking Standards.

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 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 has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 5 letters of representation have been received, including one from Woodsetts Parish Council. The issues raised by local residents are summarised below:

- The proposed development would block views of the green play area across from my house, and block views of the Church
- The bus stop causes tailbacks twice an hour, and additional access to the two houses will increase this, causing a highway hazard.
- Access in and out of the new houses would be an additional hazard.
- The open, green heart of our village will be lost.
- Potential light pollution from the dwellings filtering into adjacent bedrooms.
- Construction noise and disturbance.
- The proposal will affect our privacy.
- Will impact on the safety of highway users.
- Will result in the loss of 9 healthy trees.
- The site is too small for the development.
- Will impact on Woodsetts Conservation Area.

- The proposal will impact on the community allocated amenity area.
- The proposed dwellings will be affected by noise from children playing in the adjacent play area.

The issues raised by the Parish Council are summarised below:

- The development overlooks the Children's play area and Peace Garden.
- There is no appropriate parking away from the plot for any visitors.
- The development will interfere with wildlife.
- The density of development is not appropriate.
- The access to and from the plot will have safety issues for the new owners and highway users.
- Extra traffic generation in the village of Woodsetts is unwelcome.

1 right to speak request has been received from the applicant.

Consultations

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

RMBC - Tree Service Manager: Have no objections subject to conditions and securing a commuted sum for off-site tree planting.

RMBC - Land Contamination: Have no objections subject to conditions.

RMBC – Environmental Health: Have no objections subject to conditions.

RMBC – Drainage: 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.

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 considerations in the determination of the application are:

- The principle of development
- Design issues
- Impact on amenity
- Highway issues
- Trees
- Other considerations

Principle of development

The site is allocated for Community Facilities in the Local Plan, as the proposed development would result in the change of use of land to residential purposes, the requirements of Policy SP62 ‘Safeguarding Community Facilities’ will need to be addressed.

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 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...”

While the site has never been used for a community purpose, the policy allocation was on the basis of the site being immediately adjacent to the former Woodsetts School, which has since been relocated, allowing for the construction of Woodsetts Village Hall and play area.

The applicant has indicated that the site is in private ownership and has never formed part of a community facility, being separated from it by a fence. Furthermore, there are a range of facilities in the immediate surrounding area, including the village hall, large play area and multi-use games area to the rear of the site and there is a recreation field within walking distance of the site.

Accordingly, there does not appear to be any unmet demand for a community facility that could be accommodated on the site.

Given the circumstance of the school relocation and a new village hall being built on the adjoining site, it is considered that the justification for the change of use as stated in the

applicant's supporting statement is sufficient to satisfy policy SP62 'Safeguarding Community Facilities'.

Further to the above, the proposal will also satisfy policy CS29 'Community and Social Facilities' insofar as the site is in close proximity to public transport facilities and local services.

Accordingly, it is considered that the principle of development is acceptable.

Design issues

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

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

The NPPF at paragraph 124 states: "Good design is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

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

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

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

The proposed dwelling is of a modest size that sits comfortably on the site with sufficient space for parking and manoeuvring of vehicles and private amenity space. The design of the dwelling reflects the character of neighbouring bungalows with the hipped roof form and projecting front off-shot, which would enhance the quality and character of this area.

The dwelling, whilst sitting close to the back of the footpath and in front of the closest property, would reflect the character of dwellings located adjacent to the footpath within the village of Woodsetts along Lindrick Road, which is within the Conservation Area.

Accordingly, it is not considered that the siting of the dwelling would be out of keeping with the character of the village.

In addition the garage is of an appropriate size and design that would not adversely affect the character or appearance of the area. The wall to the front while it would be above 1 metre in height it would be set back from the back of the footpath by over 1 metre, therefore it would normally be permitted development. Notwithstanding this the wall would be of a suitable construction for a village and there are examples of similar sized walls sited directly at the back of the footpath along Worksop Road and within the adjacent Conservation Area. Accordingly, the wall would be of an appropriate size, design and siting that would not adversely affect the character of the area and would be similar in appearance to other walls in the vicinity.

It is therefore considered that from a design perspective the proposal would represent an acceptable and appropriate form of development that would be in compliance with the requirements of the NPPF and the Local Plan policies referred to above.

Furthermore, it is proposed to remove permitted development rights for future extensions and outbuildings to the dwelling and the site, given the size of the plot is on the limits in respect of private amenity space and it will allow the Council to fully assess the impact on the site, surrounding area and amenity of existing and future occupants of extensions and alterations.

Impact on amenity

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

Local Plan policy CS27 'Community Health and Safety' states: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment..." Policy SP52 'Pollution Control' states: "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."

In respect of amenity there are two elements:

- i) the impact of the construction phase on the existing local residents; and
- ii) the impact of the development once constructed on the amenity of both existing local residents and future residents of the site

Impact of the construction phase on existing local residents

In relation to construction, it is noted that a number of objectors have raised this as an issue. Those comments have been considered but the effects of works during the construction phase are inevitable with building works. However, while some noise, dust and disturbance is to be expected with development works of this type, it is important to limit the impact of the works on nearby residents. Good construction practice and appropriate consideration of working hours should ensure that this occurs; the Council will add the standard informative to any approval regarding the construction works and any breach would be covered by the Environmental Protection Act.

Impact of the development once constructed on the amenity of both existing local residents and future residents of the site

With regard to the impact of the dwelling once constructed on the occupants of existing properties, it is noted that there are no properties to the north or west of the site; the closest existing properties are on the opposite side of Worksop Road, while the nearest property potentially could be the dwelling being considered under RB2018/1995. The existing neighbouring property at 2 Worksop Road is set well away from the side of the proposed dwelling and is set behind the rear elevation. The spacing distances between the proposed dwellings and the existing dwellings meet the relevant distances outlined within the South Yorkshire Residential Design Guide.

Accordingly, the proposed dwelling would not give rise to any overlooking or privacy issues. In addition, the proposed dwelling would not appear overbearing or oppressive when viewed from neighbouring properties due to the spacing distances, land levels and boundary treatments; and would not give rise to any overshadowing or a significant loss of direct sunlight and / or natural daylight.

Further to the above the dwelling is provided with a garden area that satisfies the guidance in the South Yorkshire Residential Design Guide for dwellings of this size.

An issue raised by one of the objectors was in relation to potential light pollution from the dwelling intruding into their property opposite. The only light proposed to be omitted from the property would be internal lights from the front rooms, the level of luminance of these lights together with the distance over Worksop Road would not have a negative impact on the occupants opposite. Furthermore, security lights on the property do not require planning permission, but if they are put up and cause a light nuisance the Council's Environmental Health department will be able to investigate.

Given the location there is a possibility that the proposed dwelling may be affected by the noise from the children in the playground at the rear and road traffic noise. A noise report has been submitted by a suitably qualified noise consultant. The noise report found that the children's playground would have no significant impact on the property, including its garden, but that a 1.8 metre high solid wall or fence along the front boundary would be required, along with standard double glazing and basic acoustic trickle vents to control road traffic noise to an acceptable level.

The contents of the report and its conclusions have been accepted by the Council's Environmental Health department and subject to conditions relating to double glazing, acoustic trickle vents and boundary treatment will ensure there is no adverse noise impact on future occupants.

Accordingly, from the information outlined above it is considered that the proposal would comply with paragraph 127(f) of the NPPF, Local Plan policies CS27 'Community Health and Safety', SP52 'Pollution Control' and the South Yorkshire Residential Design Guide.

Highway issues

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

CS14 ‘Accessible Places and Managing Demand for Travel’ states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, 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. Policy CS14 is supported by paragraphs 108 and 110 of the NPPF.

SP26 ‘Sustainable Transport for Development’ states: *“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...”*

The site layout plan shows an acceptable visibility splay onto Worksop Road to ensure there is a suitable and safe access / egress to the site. Furthermore, the site has been provided with an appropriate level of on-site parking that satisfies the requirements of the Council’s Parking Standards. Accordingly, subject to conditions to secure the sight lines on the submitted plan, the hardstanding being permeable to ensure surface water doesn’t run onto the highway and the existing kerblines being reinstated, the proposal would not raise any unacceptable impact on highway safety or severe impact on the road network. Furthermore, the additional access would not significantly impact on tailbacks caused by the adjacent bus stop, these tailbacks occur at the moment and the access would not further exacerbate this issue which was raised by a local resident.

Accordingly, from a highway perspective the scheme would comply with policies CS14 ‘Accessible Places and Managing Demand for Travel’ and SP26 ‘Sustainable Transport for Development’.

Trees

The site consists of three trees located along the northern boundary of the site, there are also three trees along the northern boundary of the adjacent site, all of which are proposed to be removed as part of this development and the development of the adjacent site. The trees are considered to be of relatively low arboricultural value, some of which have poor form and are having their growth obstructed by the existing wire fence, however collectively they provide good roadside amenity and screening to the adjacent play park to the north of the site.

The applicant is proposing to mitigate for the loss of these trees by planting a new tree to the front / side of this property and the property on the adjacent site; planting a broadleaf hedge to the northern and eastern boundaries of both sites; and paying a commuted sum for the planting of a total of four trees off site (two new trees will be secured via this permission, and two via the permission on the adjacent site). This ensures that if only one of the properties is approved and / or built out there is a level of suitable mitigation secured in respect of the trees lost.

The issues of wildlife impact has been raised by a local resident in one of the objections received, there is no evidence of any habitats on the site. However, a standard informative shall be imposed to ensure that works are carried out in accordance with relevant nature and conservation legislation.

The Council's Tree Service have indicated that subject to securing the replacement planting on site as shown on the submitted revised tree report by way of a condition and a s106 agreement being secured for this particular application for the commuted sum of £640 for two trees to be planted off-site on greenspace land owned by the Council within the vicinity of the application site, the development would be acceptable and would satisfy the requirements of policies CS21 'Landscape' and SP32 'Green Infrastructure and Landscape'.

Other considerations

The issues raised by local residents and the Parish Council are noted and the majority of the issues raised, including impact on character and appearance of the area, impact amenity, overdevelopment of the site, highway issues, loss of trees, construction impact and noise impact have been assessed in the above.

Furthermore, objections were received in respect of impact on views of the play area and neighbouring church; impact on Woodsetts Conservation Area and overlooking of the play area and Millennium Garden.

With respect of impact on views, there is no right to a view in planning legislation and as such this is not a material planning consideration. Further to this the buildings are low level and a sufficient distance from neighbouring properties to not appear overdominant or oppressive.

In regard to the impact on Woodsetts Conservation Area, the site is located outside of the Conservation Area which starts at the Church and runs down Lindrick Road. However, it is considered that views out of the Conservation Area would not be adversely impacted and views towards the Conservation Area would not be harmed.

As the dwelling is single-storey views of the playground and Millennium Garden would be screened by the boundary treatment and hedgerow proposed on the northern and western boundary.

Accordingly, whilst the issues raised have been considered, both collectively and individually they do not outweigh the fact that the proposal satisfies national and local planning policies and guidance.

Conclusion

Having regard to the above, the application is considered to be acceptable in principle and represents an acceptable form of development which is of an appropriate design that would not adversely affect the character or appearance of the locality. Furthermore, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues. Therefore, the application would comply with relevant national and local planning policies and is subsequently recommended for approval subject to conditions and the signing of a s106 agreement for the provision of a commuted sum of £640 towards off-site tree planting.

Conditions

General

01

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

Reason

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

02

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

Location Plan, received 6 December 2018

8017 rev E, received 18 March 2019

8023 rev C, received 18 March 2019

Plan 2 – Tree Constraints Plan, received 4 April 2019

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity.

04

The dwelling shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied.

Reason

In the interests of the visual amenity of the area and the amenity of future occupants.

05

Notwithstanding the provisions of Schedule 2, Part 1, Class A, B and E of the Town and Country Planning (General Permitted Development) Order 2015, as amended, no extensions or alterations to the property or outbuildings shall be carried out without the prior permission of the local planning authority.

Reason

In order to assess the potential impact on the character of the area and amenity of neighbouring residents.

Highways

06

When the proposed access has been brought into use, the existing access marked on the proposed site layout shall be permanently closed and the footway / kerbline reinstated in accordance with timings and details to be submitted to and approved by the Local Planning Authority.

Reason

In the interests of road safety.

07

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

08

Before the development is brought into use the sight lines indicated on the proposed site layout shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 600mm above the level of the adjacent footway and the visibility thus provided shall be maintained.

Reason

To provide and maintain adequate visibility in the interests of road safety.

Amenity

09

Standard double glazing and basic acoustic trickle vents shall be provided as set out in the noise assessment dated March 2019 from ADT.

Reason

In the interests of the amenities of the occupiers of the proposed dwellings.

10

An imperforate barrier such as a 1.8 metre high close boarded timber fence or wall shall be provided along the boundary of the garden with the road as set out in the noise assessment dated March 2019 from ADT limited.

Reason

In the interests of the amenities of the occupiers of the proposed dwellings.

Land Contamination

11

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

Reason

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

12

If subsoils / topsoils are required to be imported to site for gardens/soft landscaping areas, 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 which will need to be presented in the format of a validation report which will be submitted to the Local Planning Authority for review and comment.

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.

Trees

13

Prior to the dwelling being occupied a suitable scheme of proposed tree planting and tree pits shall be submitted to and approved by the Local Planning Authority. The scheme shall include the following comprehensive details of all trees to be planted:

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

All tree planting must be carried out in full accordance with the approved scheme in the first planting season (1st October to 31st March inclusive) after commencement of the development. The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

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

Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change.

Informatives

01

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

It is noted that the proposal is to discharge the surface water to soakaways. The suitability of this option should be proven by percolation tests and drainage will be subject to Building Regulations approval. The soakaways should be sited a minimum of 5m from buildings. Other discharge points for the surface water should be identified if the percolation tests prove to be ineffective.

03

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

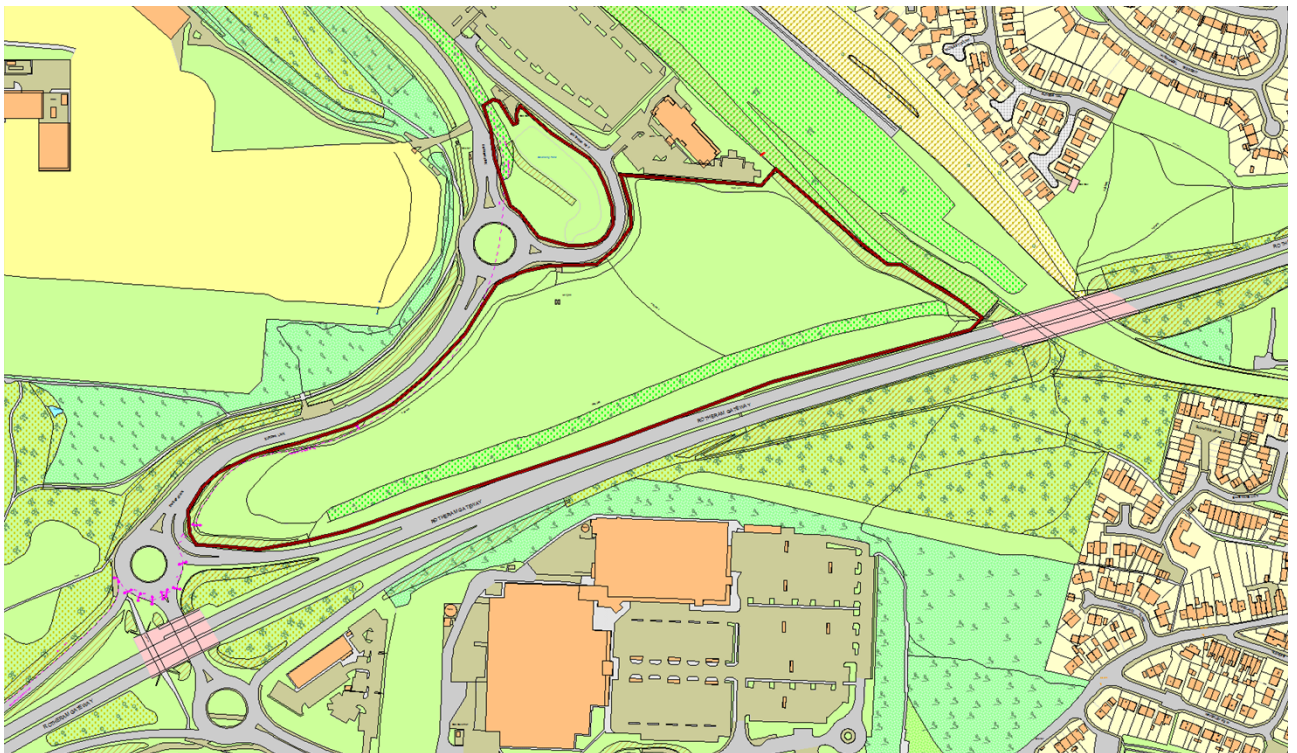
Furthermore, vegetation removal should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests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

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	RB2018/1988
Proposal and Location	Outline application with all matters reserved, for Phase 4 Sheffield Business Park for Use Classes B1 b/c, B2 and B8, and associated works at Land off Europa Link, Sheffield Business Park.
Recommendation	Grant subject to conditions

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



Site Description & Location

The site comprises of a total site area of 7.43 hectares and is situated within Sheffield Business Park (SBP) immediately adjacent to the A630 Sheffield Parkway. It comprises of two separate parts separated by Britannia Way, a non-adopted road off which both parcels are proposed to be accessed.

The existing sites are currently undeveloped and contain self-seeded grassland, which covers the majority of the total area. A combination of structural planting and self-seeded trees follow the site boundaries. A public footpath also runs north-west to south-east and continues along its southern boundary, before continuing south under the A630 Sheffield Parkway via an underpass accessed by steps.

The site is bounded to the south by the A630 Sheffield Parkway dual carriageway connecting Sheffield to M1 Junction 33 and Rotherham beyond, to the north west by the Europa Link road which provides access to SBP and to the east by a disused railway line, with a residential area and the M1 beyond that.

Background

The following application is relevant to the application site –

RB2004/0239 - Remodelling of land to facilitate future extension of Sheffield Business Park – Granted Conditionally 08/04/2004

EIA Screening Opinion

A screening opinion was carried out to determine whether an Environmental Impact Assessment should accompany the application. The proposed development falls within the description contained in paragraphs 10 “Infrastructure Projects” of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and meets the criteria set out in column 2 of the table, i.e. that the area of the development exceeds 5 hectares and the gross floor area of the development proposed is significantly above 10,000m². After considering the merits of the case it was concluded that the proposed development had sufficient impact on a wider scale and would be likely to have significant effects on the environment. Accordingly it was determined that an Environmental Statement **would be required** to accompany the planning application.

Proposal

The proposals seek to provide an extension to the current Sheffield Business Park. The application is submitted in outline and proposes flexible business, manufacturing and office floorspace (within Use Classes B1, B2 and B8). An upper floor limit of 25,630 sq m is proposed. A maximum of 20% of this floorspace will comprise B1b/c uses. In addition, no more than 20% of the total floorspace figure will be provided as office accommodation which will be ancillary to the B1b/c, B2 and/or B8 use of an individual unit.

Whilst matters of access, layout, scale, appearance and plot landscaping are reserved for future consideration, details have been submitted relating to the structure planting along the A630 Sheffield Parkway. Additionally an indicative masterplan has been submitted to show how the proposed floorspace could be potentially accommodated on the site and how the development is able to link into the existing road infrastructure. This masterplan shows the floorspace distributed amongst a series of 6 additional units and access is shown indicatively via Britannia Way.

In accordance with section 92 of the Town and Country Planning act 1990 the period sought for the implementation of the planning permission is 7 years. The applicant

considers this to be sufficient period to submit reserved matters applications and complete all elements of the proposed development.

The application is subject to an Environmental Impact Assessment (EIA). The following chapters form the Environmental Statement:

- Highways

This chapter assesses the environmental impact of the traffic generated by the Proposed Development. It considers the potential significant effects of the development traffic on the operation of the road network within the study area. It further sets out the methodologies adopted in the assessments undertaken and identifies how the baseline conditions have been established. It then considers the impact of the Proposed Development traffic on the surrounding highway network and identifies appropriate mitigation, if necessary, that is required.

The Chapter concludes by stating the development and the associated additional traffic will not have a detrimental effect on the surrounding road network. The operation of the scheme has demonstrated that only Britannia Way will experience an increase of more than 30% in traffic and a Travel Plan will be implemented to help reduce traffic flows further and to encourage the use of sustainable transport. The further reduction in trips will only improve the surrounding area and amenity for local users.

- Air Quality

This Chapter of the ES assesses the likely significant impacts of the Proposed Development with respect to air quality. It describes the methods used to assess the impacts; the baseline conditions currently experienced at the site and in the surrounding area; likely future conditions; the mitigation measures required to prevent, reduce or offset any significant adverse effects; and the likely residual effects after these tried and tested measures have been adopted.

The assessment of construction phase impacts associated with fugitive dust and fine particulate matter (PM10 and PM2.5) emissions has been undertaken with reference to the relevant Institute of Air Quality Management guidance. This identified that there is a Low Risk of dust soiling impacts and a Low Risk of increases in particulate matter concentrations due to construction activities. However, through good site practice and the implementation of suitable mitigation measures, the effect of dust and particulate matter releases on local air quality would be further reduced.

The assessment of the potential air quality impacts associated with the generation of traffic associated with the operational phase of the Proposed Development has been completed with reference to relevant published methodologies and technical guidance. The pollutants considered in this part of the assessment were nitrogen dioxide (NO₂), and fine particulates (PM10 and PM2.5). The results demonstrate that the Proposed Development would cause a negligible increase in concentrations of NO₂, PM10 and PM2.5 across the study area and all predicted concentrations will remain below the relevant annual and short-term mean air quality objectives. As such, the Proposed Development is expected to have no significant environmental effect with respect to air quality.

- Flood Risk and Drainage

The scope of the assessment was to assess the potential impacts that may occur because of the Proposed Development on flood risk, drainage and the water environment during the construction and operational phases of the scheme. The assessment includes the extents of the low risk flood zones, the increase in foul and surface water flows, pollution and water quality. The scope was based on an assessment of the site location, flood zoning and proximity to existing watercourses and sewerage infrastructure.

Following scrutiny of surface water flood maps and risk of flooding from reservoir maps, it has been identified that the site lies within an area which is at low risk of flooding from surface water, and lies out with the maximum extents of reservoir flooding risk. The potential effects during construction are assumed to be; reduction in water quality due to certain activities during construction which could affect the sewerage infrastructure and the groundwater by mobilisation of pollution. The potential effects during operation are assumed to be; reduction in water quality due to certain activities during operation which could affect the sewerage infrastructure and groundwater.

- **Ground Conditions**

This chapter assesses the likely significant effects of the Proposed Development with respect to ground conditions and contamination, and considers an assessment of general ground conditions including the presence of potential contamination and an assessment of the potential geotechnical constraints posed by mining instability.

The Chapter concludes by recommending that ground improvement is carried out in order to enable development over areas of made ground, i.e. backfilled opencast and railway cutting. This will reduce the potential for impacts on the proposed development as a result of unstable ground. Further recommendations include measures are put in place to reduce the potential for the leakage/spillage of potential contaminants. All fuel, oil and chemicals should be contained within a bunded compound or in bunded double skinned tanks. This will reduce the potential for the introduction of contaminants into the underlying soil/groundwater.

- **Environmental Management**

This chapter summarises the main conclusions from each technical chapter of the ES. It outlines the key areas of mitigation (environmental management) which have either been committed to within the scheme (embedded) or which have been recommended through the EIA process and which can be secured by condition through the planning process. It then reports whether and to what extent any residual significant effects in EIA terms are predicated to occur.

In addition, the application is accompanied by the following documents:

Planning Statement which assesses the proposals insofar as they relate to relevant local policy and national guidance and concludes that the application accords with the Framework in that proposals represent sustainable development and provide a commitment to securing economic growth to create jobs and prosperity.

Design and Access Statement provides an assessment of Background, Existing Context, Design and Access and includes a number of conceptual images along with an indicative layout.

Development Plan Allocation and Policy

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

The application site is allocated as 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:

Core Strategy

- CS3 Location of New Development
- CS9 Transforming Rotherham's Economy
- CS14 Accessible Places and Managing Demand for Travel
- CS19 Green Infrastructure
- CS21 Landscape
- CS25 Dealing with Flood Risk
- CS28 Sustainable Design

Sites and Policies Document

- 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
- 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

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 proposal was advertised in the press, on site and via letters to adjacent occupants. No letters of representation have been received.

Consultations

National Planning Casework Unit do not wish to make any comments on the Environmental Statement.

RMBC - Transportation and Highways Design acknowledge that the TA shows that the development will have some effect on local traffic. However, it is in a sustainable location with good walking, cycling and public transport infrastructure. With proper attention to travel planning details and public transport provision, the site can be developed with a minimum impact on the local highway network. Accordingly no objections are raised to the proposed development subject to appropriately worded conditions.

RMBC – Drainage acknowledges that the application is in outline form and the siting of future buildings is reserved for future consideration. Suitably worded conditions are recommended and subject to additional information being submitted at Reserved Matters stage, no objections are raised to the outline application.

RMBC - Landscape Design originally raised concerns regarding the large scale clearance of structure planting along Sheffield Parkway with little replacement planting, however following the submission of amended plans and additional information which provides details of structure planting, these concerns have been alleviated. Accordingly no objections are raised subject to suitably worded conditions.

RMBC – Ecologist accept the findings and conclusions contained within the submitted Extended Phase 1 Habitat Survey. Accordingly no objections are raised subject to suitably worded conditions requiring the provision of sensitive lighting schemes, provision of nesting/roosting opportunities and protection of existing hedgerows/shrub planting that are not identified for removal.

RMBC - Environmental Health (noise) – raise no objections to the proposed development subject to a condition requiring the submission of a noise assessment with all future reserved matters applications.

RMBC – Environmental Health (Air Quality) – have appraised the submitted Air Quality Assessment and raise no objections to the proposed development subject to the

installation of electric vehicle charging points, which can be secured via a suitably worded condition.

RMBC – Public Rights of Way – have confirmed that a right of way runs through the site, however are generally happy with the diverted indicative route around the perimeter of the site subject to further discussions with the landowner regarding precise details.

Highways England initially issued a holding recommendation based on the impact of development on J33 of the M1, however following the submission of additional information in the form of observed trips and a condition requiring the submission of a revised Travel Plan the holding recommendation was removed and no objections are raised.

South Yorkshire Passenger Transport Service – raise no objection to the proposed development, however requests that funding be made available which would ensure that the bus services currently provided are able to continue with some certainty.

The Coal Authority – have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area, however the contents of the submitted Preliminary Risk Assessment documents the history of the site. Accordingly no objections are raised to the proposals subject to a condition being imposed on any consent granted requiring the findings of the ground investigations and gas monitoring being carried out to be submitted to the LPA, along with details of any remedial measures which may be required

Environment Agency.- raise no objections to the proposed development.

Yorkshire Water – raise no objections to the proposed development subject to a condition requiring the submission of further details relating to the outfall.

South Yorkshire Police – are supportive of the layout in principle however make recommendations relating to CCTV, lighting and security.

South Yorkshire Fire and Rescue – raise no objections to the proposed development

Natural England – raise no objections to the proposal.

SYMAS – raise no objections to the proposal.

Appraisal

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

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

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

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

- The Principle of the Development
- Appearance and Layout
- Landscape Issues
- Ecology and Biodiversity Considerations
- Transportation Issues
- Air Quality Consideration
- Drainage and Flood Issues
- General Amenity Issues
- Geotechnical Issues
- Public Rights of Way
- Cumulative Impacts

The Principle of 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 CS9 ‘Transforming Rotherham’s Economy’ states in part that *“Protecting viable employment sites and supporting the regeneration and intensification of previously developed land, including proposals which safeguard the viability of established industrial and business areas through improvements to buildings, infrastructure and the environment..... encouraging the development of an Advanced Manufacturing cluster at Waverley by supporting proposals for complementary uses.”*

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 seeks outline consent for up to 25,630 sqm of flexible B1, B2 and B8 employment floorspace on this site which is allocated for Industrial and Business use within the adopted Local Plan (site E36). In accordance with policy SP16, B1, B2 and B8 uses are permitted in principle.

The proposed use class split is explained further in the submitted Planning Statement, which states: *“Permission is sought for a total of 25,630 sqm floorspace (GIA). A maximum of 20% of the floorspace will comprise B1b/c uses. In addition, no more than 20% of the total floorspace figure will be provided as office accommodation which will be ancillary to the B1b/c, B2 and/or B8 use of an individual unit. It is expected that the floorspace will be delivered across six units”*

Taking this into account, it is considered that the proposed limit of 20% of the floorspace to be used for office purposes is acceptable, recognising the role that such floorspace would have as part of supporting other B1, B2 and/or B8 uses, and recognising that office floorspace can itself support the ongoing development of Sheffield Business Park. It was therefore agreed that there was no requirement to undertake the sequential test given that the floorspace will be ancillary to the main function of each unit.

Furthermore, the applicant estimates that between 342 and 712 jobs may be created on site, which will contribute towards transforming Rotherham’s economy and support the aspirations set out in Policy CS9 in terms of contribution to the Advanced Manufacturing and Materials sector and the advanced manufacturing cluster at Waverley

Taking all of the above into consideration, 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.

Additionally and under Part 3 Class V of the Town and Country Planning (General Permitted Development) Order, as amended an application can be submitted for a flexible permission which allows the unit to be changed to another use under the same permission without the need for a further application within 10 years from the date of the permission. The applicant could therefore use the unit for any of the uses outlined above within 10 years from the grant of planning permission, however following its continuous use for any single one of the uses for a period of 10 years or more, planning permission would be required for a change of use.

Appearance and Layout

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.”*

As noted earlier in the report this application is in outline only with all matters reserved with the exception of access. Notwithstanding the above the applicant has submitted a design and access statement (D&A) which includes an indicative layout to demonstrate that the proposed quantum of floor space which could be delivered on the site. The D&A also sets out a series of principles for the potential future development including landscaping proposals, as well as indications of potential scale and massing of buildings and access and movement within the site.

The indicative layouts take into account existing infrastructure. The plans contained in the D&A statements are indicative only and subsequent applications will not be formally tied into the layout shown.

The masterplan has been designed in such a way as to compliment surrounding developments and not to be overbearing on the local context. The proposed masterplan provides an open line of vision from the A630 Sheffield Parkway towards the landmark buildings on the Sheffield Business Park (SBP), Phase 3 site

Building frontages are generally arranged to address and reinforce the frontage to the A630 Sheffield Parkway along the southern boundary of Site B, and where possible provide active frontages. There is opportunity to create a series of prominent building frontages which reflect the existing business park design context. These building features will be more distinctive in architectural language, adding to a sense of place and identity. Key building frontages will also assist in wayfinding around the Masterplan which can be often overlooked in industrial settings.

The orientation and form of the proposed development on Site A, has the potential to become a gateway building into the overall Masterplan, with the potential for a strong frontage onto the roundabout connecting the Europa Link and Britannia Way

The proposed uses will complement the surrounding sector specialisms and give industrial supply chain partners the opportunity to relocate in close proximity to the world-leading advanced manufacturing expertise established by organisations such as the University of Sheffield, McLaren, Boeing and Rolls Royce on nearby sites within the

SBP Phase 3 and AMP. At the same time there is a strong case for increasing and complimenting the other established uses within SBP Phase 1.

The majority of buildings on site will be medium to large-scale facilities, with simple, robust forms and well resolved within a landscape setting. The AMRC Factory 2050 sets the developments precedent on the University of Sheffield's nearby Advanced Manufacturing Campus within SBP Phase 3 with an overall height of 15m. It is therefore assumed that the height of the buildings within SBP Phase 4 will be in-line with this to complement the scale of developments within the wider context of the sites.

Having regard to the above, the indicative plans illustrate that the quantum of development proposed can be accommodated on the site subject to detailed design. The D&A statement is considered to set out a series of broad principles which will help to deliver a high quality campus development. Overall it is considered that the design principles will contribute towards creating a high quality environment. The proposal is therefore considered to accord with Policies CS28 and SP55 together with the guidance contained in the NPPF.

Landscape Issues

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.”*

This application is outline but includes the structural planting with all other matters reserved for future consideration. Individual plot landscaping will be the subject of subsequent reserved matters applications. To address this requirement a strategic landscape masterplan and supplementary detailed strategy drawings have been provided which set out the vision for future detailed landscape proposals. Additionally, the application is supported by a full Arboricultural Report and Impact Assessment which assesses the impact of the removal of trees and vegetation in the area.

The submitted D&A sets out the wider AMID vision, which embodies and builds on much of the work undertaken by Rotherham MBC and Sheffield CC on The Lower Don Valley Masterplan which is welcomed. The landscape sections have been updated based on the revised Landscape Strategy and Landscape Masterplan and supports a consistent approach for the submission of reserved matters applications in the future.

The proposed primary and secondary landscape routes indicated on the indicative plans (non-vehicular) are also welcomed. The design of such key infrastructure needs to be co-ordinated to maximise the potential benefits. The proposals include the re-routing and re-dedication of the public right of way, this is discussed further in the proceeding

paragraphs of this report, however it is considered that the new alignment will provide much needed connectivity from the south side of the Parkway and wider GI corridor beyond. The provision of these enhanced links is considered to be acceptable as they provide the GI connectivity required by Policy CS19.

The submitted landscape strategy and Masterplan now show a more co-ordinated approach to the Parkway frontages to support the AMID vision of a more visible 'gateway' presence. This comprises of a high quality roadside frontage treatment and the principal elevations are designed to suit this. The proposals include a 10m wide landscape buffer to the parkway, included Highway land, with the intention of seeking a license from RMBC to enhance the vegetation along this section. The character of the Amp frontage planting comprises native species rich grassland with groups of parkland trees under planted with ground cover/ lower growing shrubs. The current indicative landscape masterplan now is consistent with the AMP approach and shows informal groups of tree planting.

Whilst the approach to the AMID gateway landscape vision is understood, any loss of existing vegetation will still need to be justified against local plan policies such as CS19. The application includes significant amounts of roadside planting within the interior of the development including a variety of planting types and both formal and informal tree planting. This landscape enhancement is considered capable of mitigating for any loss of vegetation as a result of the proposed development. The majority of the mitigation planting will be secured via future reserved matters applications.

Additionally, the application provides for the possibility of future public art or gateway features within the parkway roundabout, which could have potential to link both sides of the parkway. This approach is welcomed and a suitable planning condition can secure this.

In summary, a revised strategic masterplan and supplementary strategy/ drawings have been provided which bring the landscape proposal more in line with the AMP parkway frontage. The planting strategy shows the broad quantum of mitigation planting on site. The detail of the mitigation planting shall be secured via reserved matters applications and suitably worded landscape conditions. Accordingly, the proposals are considered to accord with the provisions of Policies CS19 'Green infrastructure', CS21 'Landscape' and Policy SP32 'Green Infrastructure and Landscape'.

Ecology/Biodiversity Issues

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 is accompanied by an Extended Phase 1 Habitat Survey. The report presents the results of an updated desktop study, an update of the extended phase 1 habitat survey along with an assessment of potential ecological constraints to the proposed development of the site based on the results of the survey, with recommendations for further, more detailed surveys to be undertaken, as appropriate, along with recommendations for mitigation and site enhancement.

The site comprises neutral semi improved grassland,. ephemeral short perennial vegetation, bare ground, tall ruderal vegetation, dry ditch, dense and scattered scrub,

species rich hedgerow and fences. The site was surveyed on 26th June 2018 and the habitat survey was undertaken using standard Extended Phase 1 Habitat Survey methodology as recommended by Natural England to identify specific habitats of ecological interest.

Having regard to the site assessment, it is noted that there are no protected or notable plants within the survey area. Potential priority habitats within the survey area include hedgerows and lowland neutral grassland. Hedgerows are defined as any boundary line of trees or shrubs over 20m long and less than 5m wide, and where any gaps between the trees or shrub species are less than 20m wide. Species rich hedgerows are defined as having five or more native species in a 30m length and or a rich ground flora. The hedgerows on the periphery of Site B are considered to be a priority habitat.

In terms of protected and priority species, the report confirms that there is no suitable habitat in either Site A or Site B which would attract amphibian species and both sites are isolated by road networks which are major barriers to dispersal. Amphibians are not therefore considered to be a constraint to the development.

Bats

There are no buildings within the survey area, so there is no potential use of buildings by roosting bats. Individual trees within the site didn't have any roosting opportunities for bats and all of the trees were of an insufficient girth to be considered suitable for roosting bats. Bats may use peripheral areas of site B for foraging, however use is likely to be low as the site is well lit on the north, south and western boundaries by the developed road network. There are no records of bats within close proximity (> 0.80km) returned within the dataset by either Rotherham or Sheffield Local Records Centres and there were no EPSM licence applications within 2km. Bat activity surveys undertaken at the Advanced Manufacturing Park across the Sheffield Parkway recorded low levels of bat activity of the common pipistrelle bat only.

Water Vole

Sheffield LRC returned historical records of water vole from the River Rother distant from the site. There is no habitat within the site to support this species and watervole are not considered a constraint to the development.

Badger

There historical records of badger distant from the site. There were no characteristic field signs of badger such as setts, latrines, hairs or footprints recorded within the site during the phase 1 habitat survey and both site areas are largely unsuitable for badger. Badger are not considered an ecological constraint for the development of the site.

Nesting Birds

39 species of bird protected under Schedule 1 part 1 of the Wildlife & Countryside Act (1981) as amended are recorded within 2km of the site. There are several statutory and non- statutory sites comprising large waterbodies within 2km of the site for where the majority of records have arisen. The site does not provide suitable habitat for protected bird species. The scrub, hedgerows and grassland provide good foraging and nesting habitat for some priority and more common bird species and birds are to be considered in the development plans.

Terrestrial Invertebrates

The desktop study revealed there were records of terrestrial invertebrates comprising seven species that are UK BAP priority. Species recorded in the area include dingy skipper *Erynnis tages*, small heath *Coenonympha pamphilus*, wall *Lasiommata meger*, garden tiger *Arctia caja*, ghost moth *Hepialus humuli*, latticed heath *Chiasmia clathrate* and shaded broad-bar *Scotopteryx chenopodiata*. The grassland swards comprise bent and herbaceous species that are food plants for some of the more common and widespread BAP priority moth and butterfly species recorded in the wider area and small heath was recorded during the survey.

Hedgehogs

There are records of hedgehog within the locality. Hedgehogs are widespread mammals found in most lowland habitats, but are most commonly seen in areas where there is grassland close to woodland, scrub or hedgerow. The site does provide foraging habitat suitable for hedgehogs if they accessed the site however both site areas are isolated by the road which is likely to inhibit movement onto the site. The site has suitable habitat for foraging hedgehog but it is unlikely to be an important resource for the local population.

Brown Hare

There are records for brown hare within in 2km of the site. The site areas are isolated by the road network which is likely to inhibit movement onto the site. The site is unlikely to be an important resource for the local population.

In summary the submitted Extended Phase 1 Assessment indicates there are no sites of international nature conservation interest within 5km of the site. The site supports a limited number of habitat types isolated by an established road network. Protected/priority species are known/likely to be present. These include:

- foraging and commuting bats;
- breeding/nesting birds, and
- terrestrial invertebrates

Existing hedgerows are to be retained wherever possible. A detailed landscape master plan for the Sheffield Parkway frontage has been submitted which shows the removal of some vegetation to open up the view from this vantage point, However this comprises mainly of the high level planting to maximise the visibility of the development. Supplementary planting is also proposed to provide the desired parkland setting which will provide additional habitat for wildlife.

On plot landscaping is not provided at this time, however it is recommended that areas of wildflower meadow be incorporated into peripheral areas of the site design and seed may be harvested from Site A and additional seeding will match existing grassland species found on site. This will be of benefit to a range of invertebrates including BAP priority species Small Heath which was recorded onsite during survey.

Additionally, and to minimise any impact on foraging and commuting bats, it is recommended that a sympathetic lighting strategy which avoids strong illumination of retained habitat / habitat on the periphery of the site is recommended. The Institute of Lighting Engineers and The Bat Conservation Trust (BCT & ILE 2008) have produced guidance on lighting to minimise impact on bats and an excerpt is reproduced below.

The Council's Ecologist has assessed this information and concurs with the findings of the report; furthermore he agrees that the proposed mitigation measures which will be

secured via a condition in the form a sensitive lighting strategy and the provision of nesting/roosting opportunities will ensure that there is no adverse impact on biodiversity as a direct result of the proposed development.

In addition to the proposed mitigation measures it is recommended that development design and landscaping incorporate an appropriate level of biodiversity gain; this will demonstrate compliance with national planning policy and may help to support BREEAM application as is suggested in the design & access statement.

It is therefore considered that in terms of ecological implications the application is acceptable, and the above issues raised can be secured via planning conditions.

Having regard to this, it is considered that in terms of ecological implications the application is acceptable and in accordance with Policies CS20 'Biodiversity and Geodiversity, SP33 'Conserving and Enhancing the Natural Environment' and SP35 'Protected and Priority Species', and the above issues raised can be secured via planning conditions

Transportation Issues

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

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

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 is supported by a Transport Assessment (TA) and Travel Plan (TP) which amongst other things considers the application in the context of trip generation, traffic impact and sustainability. Chapter 7 of the Environmental Statement (ES) also considers the environmental impact of the traffic generated by the proposed development.

Having regard to trip generation, the submitted TA assumes no more than 20% of the floorspace at the proposed development will have a B1 land use allocation. This equates to a GFA of 5126m². As a result, a minimum of 80% of the site will have a B2 land use allocation. This equates to a GFA of 20,504m². For the purpose of the trip generation assessment, separate trip rates for the B1 and B2 land uses were obtained and the trip rates for the B1 element are observed to be higher. The B1 trip rates have been applied to 20% of the GFA, which therefore accounts for a worst case robust scenario.

These trip rates were considered by Highways England (HE) using TRICS and considered them to be slightly lower than expected, given the location and nature of the development proposals. As such, it was considered prudent that the applicant use the existing operation of the Business Park to check the proposed trips using a 'first principles' approach, to ensure that the trip rates within the TA were an accurate reflection of the potential trip generation.

HE further reported that “In total, the development proposals at Phase 4 of the Sheffield Business Park will generate a total of 156 two-way trips in the AM Peak and 136 two-way trips in the PM Peak. HE are of the opinion that the two-way trips should be closer to c.200 trips, and a check of the existing operation of the Business Park should provide justification as to whether the trip rates within the TA can be used for assessment purposes.”

To address this point, the applicant undertook traffic counts at the existing SBP site from 07:00 – 10:00 on Thursday 14th February. The AM Peak was only surveyed as it is considered it is only the AM Peak in which the SBP proposals could impact on the operation of Junction 33 of the M1. The counts were undertaken to determine the number of vehicles arriving and departing from the existing Factory 2050 and additional Royce Translation Centre (RTC), Laboratory for Verification and Validation (LVV) and the Integrated Civil and Infrastructure Research Centre (ICAIR) to the south of the Factory 2050. 2.5 Factory 2050 and the buildings to the south have a total GFA of 9,850m², while the proposals for SBP Phase 4 have a total GFA of 25,630m². The combined trip generation of the B1 and B2 elements of the proposed Sheffield Business Park development were calculated to be as follows:

	07:30 – 08:30 Observed AM Peak		08:00 – 09:00 TA assessed AM Peak	
	Arrivals	Departures	Arrivals	Departures
Observed trips (9,850m ²)	51	6	44	7
Resultant Trip rate (per 100m ²)	0.517	0.061	0.446	0.071
SPB Phase 4 (25,630m ²) Trip generation	133	16	114	18

As shown in the above table, the observed peak hour for the existing SBP site was 07:30 – 08:30 in which 51 arrivals were observed generating a trip rate of 0.517. Applying this trip rate to the GFA of the SBP proposals result in a total of 133 arrivals for the development which is 19 more than what was obtained from the TRICS database for 08:00 – 09:00. Based on the distribution used in the TA a trip generation would result in 26 arrivals from the M1, J33 which is 4 more than those considered in the TA.

The Council and Highways England have assessed these trip rates. From reviewing the observed counts in the TA, this totals 96 arrivals and 18 departures across the period 07:00- 10:00, which results in 114 two-way trips which corresponds to the table above. With the further justification using local data, the trip rates presented within the TA are now considered appropriate for use in assessment of impact of the Phase 4 development. This level of trips should be secured through the Travel Plan. These should be used as the targets, with an appropriate monitoring regime and appropriate consequences should the targets not be achieved.

Having regard to Trip Distribution, the TA states that traffic from the development has been distributed using existing data from traffic flows undertaken at junctions in the vicinity of the site. The distribution of development traffic has been considered at junctions in the vicinity of the site which the proposed development has the potential to impact the operational performance of.

The following junctions have had traffic distributed based on data obtained from the 2015 Transport Assessment for the neighbouring AMRC site.

- Britannia Way / Europa Link, roundabout;
- Europa Link / Wood Lane, roundabout;
- Europa Link / Europa Court, roundabout;
- Europa Link / Europa View, roundabout;
- Europa Link / Police, roundabout;
- Europa Link / A631 Sheepcote Lane, controlled junction; and,
- Europa Link / Europa Court controlled junction.
- Junction 33 of the M1

The distribution of traffic utilised for the approved AMRC application considers a lower proportion of traffic approaching from M1 than what has already been considered in the TA for proposed Phase 4 of SBP according to the applicant. This is caused by a large difference in the distribution of arrivals at the northern roundabout with the SATURN model suggesting a larger proportion of vehicles approaching from the west, towards Sheffield City Centre, compared to what was observed in March 2018.

The applicant therefore considers that the methodology for distribution utilised in the TA is robust in terms of considering the impact of the proposals on the SRN. It is noted that the AMRC TA flows are localised to the distribution on Europa Link, Poplar Way and the A630.

Highways England point out that it does not necessarily follow that this trip distribution methodology can simply be applied to the latest Sheffield Business Park proposals as each application is assessed upon its individual merits. There are discrepancies between the various assessments of the estimated trip generation and distribution leading to various estimates of impact at M1 J33. However on balance and in order to ensure that impact at the SRN is not significant then the total morning peak hour arrivals should be controlled to the level assessed within the TA through the Travel Plan. A condition is therefore recommended to ensure that a Travel Plan is submitted to and approved in writing by both the LPA and Highways England.

Turning to the assessment of remaining junctions, the following junctions are located within Rotherham's administrative boundary. SCC have been consulted on the application but have failed to respond, therefore the junctions located within Sheffield have not been appraised as part of this assessment.

- Europa Link/Britannia Way Roundabout.

The modelled results show that both the am and pm peak hours continue to operate well within capacity in the year 2023 with committed and proposed development traffic added to the base flows.

- Europa Link/Europa Court

The modelled results indicate that the junction will continue to operate well within capacity at all times in the year 2023 with committed and proposed development traffic added to the base flows.

- Europa Link/A630 Sheffield Parkway Eastbound

The modelled results indicate that the junction will continue to operate well within capacity in the year 2023 with committed and proposed development traffic added to base flows. Direct access to the A630 slip road from Europa Link is available such that any increased queuing resulting from development traffic would be minimal.

- Poplar Way/A630 Sheffield Parkway Westbound

The modelled results again show that the junction will continue to operate well within capacity in the year 2023 with committed and proposed development traffic added to base flows.

Having regard to all of the above, it is accepted that there will be some additional vehicles joining the existing queue on the A630 Sheffield Parkway during the AM and PM peak (queuing from J33). Whilst this is not ideal the impact is not considered to be severe and accords with Paragraph 32 of the NPPF which states: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe".

An appropriately worded Travel Plan condition has been agreed with HE and the applicant to ensure the trip rates are met. Since trip rates have now been agreed, consideration will have to be given as to how the Travel Plan is used to ensure that the baseline is maintained and mitigation takes place if not.

Notwithstanding the above, SYPTE have been consulted on the application and are generally supportive of the proposals. They confirm that the area is reasonably well served by public transport, with buses from Sheffield, Rotherham, Meadowhall and Aston. By contrast, Europa Link to the north of the A630, adjacent to the proposed development, is less well served by buses, even with some public subsidy from SYPTE. It should be noted that bus services in this area are being revised from 3rd March 2019, and the section of Europa Link close to the development area will be served by bus routes 74a, A1, and at peak times the new X74. Public transport usage will need to be maximised through implementing the measures identified in the Travel Plan and promoting the use of public transport within the development.

Taking the above into account SYPTE have requested some future funding from the development, which they consider would ensure that the bus services currently provided are able to continue with some certainty. This would allow provision for additional patronage generated from the development, which is unlikely to be commercially viable at this stage.

In response to this request, it is acknowledged that the recent planning approval at Sheffield Business Park is subject to a planning condition which stipulates when certain degrees of floorspace are occupied, contributions cascade. Accordingly, this funding stream will pay for these improvements and further funding as requested by SYPTE would, as a result not meet the tests as set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended.

Turning now to the indicative layout, it is acknowledged that this is submitted for illustrative purposes only, however it shows a single access into the site off Britannia Way which is an unadopted highway.

Car parking has been provided for within the indicative layout in accordance with the Council's car parking standards which are set out below:

Use	Maximum Parking Standards
Business/Offices	1 Space per 30 sqm (plus accessible parking)
Light Industry	1 space per 50 sqm (plus accessible parking)
B2	1 space per 50 sqm (plus accessible parking)
B8	1 space per 200 sq m

Cycle parking will also be provided for in accordance with the following standards:

Use	Short Stay	Long Stay
B1	1:200 gfs	1:20 staff
B2	1:1000 gfs	1:20 staff
B8	1:1000 gfs	1:20 staff

Taking all of the above into account, it is considered that the site can be adequately accessed via the existing road network and provision has been made within the indicative masterplan to ensure that an adequate road network can be provided with space for vehicular and cycle parking. Accordingly, the application is considered to be acceptable and in accordance with the provisions of Policy SP 56 'Car Parking Layout'.

Air Quality Considerations

Policy CS14 Accessible Places and Managing Demand for Travel states in part: "The Council will work with partners and stakeholders to focus transport *investment on making places more accessible and on changing travel behaviour. Accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by:*

k) Not allowing new development in Air Quality Management Areas unless traffic and air quality impacts are appropriately mitigated."

Policy CS27 'Community Health and Safety' goes on to state "*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.*"

The National Planning Policy Framework states also that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

The Government has named Rotherham as one of 23 areas in England where concentrations of Nitrogen Dioxide (NO₂) exceed statutory limits and are projected to continue to do so over and beyond the next 3-4 years. Rotherham MBC is a mandated Clean Air Zone authority and has been directed by the Secretary of State to produce and implement a plan for compliance with the statutory limits.

In particular, the Government's new National Air Quality Plan (NAQP) identifies a number of road corridors in the Sheffield and Rotherham area which are predicted to exceed the statutory limit on the annual average concentration of NO₂ by 2021, under a 'Business as Usual' forecast scenario. In particular, Defra's NAQP indicates breaches of the 40 µg/m³ limit on the A630 – A57 Parkway (from M1 J33 to the Sheffield boundary in Rotherham).

The applicant has conducted a qualitative construction phase air quality assessment to assess the potential effects from dust and vehicle emissions and an operational phase assessment to determine the impact of the proposed development on traffic derived pollutant concentrations at nearby sensitive receptors.

The assessment of construction phase impacts associated with fugitive dust and fine particulate matter (PM₁₀ and PM_{2.5}) emissions has been undertaken with reference to the relevant Institute of Air Quality Management guidance. This identified that there is a Low Risk of dust soiling impacts and a Low Risk of increases in particulate matter concentrations due to construction activities. However, through good site practice and the implementation of suitable mitigation measures, the effect of dust and particulate matter releases on local air quality would be further reduced. The residual effects of the construction phase on air quality are expected to be negligible.

The assessment of the potential air quality impacts associated with the generation of traffic associated with the operational phase of the Proposed Development has been completed with reference to relevant published methodologies and technical guidance. The pollutants considered in this part of the assessment were nitrogen dioxide (NO₂), and fine particulates (PM₁₀ and PM_{2.5}). The results demonstrate that the Proposed Development would cause a negligible increase in concentrations of NO₂, PM₁₀ and PM_{2.5} at modelled high and medium sensitive receptors and all predicted concentrations will remain below the relevant annual and short-term mean air quality objectives. Furthermore, the impact of the Proposed Development on the adjacent PCM link is predicted to be Low Risk. As such, the Proposed Development is expected to have no significant environmental effect with respect to air quality.

Although no specific air quality mitigation is required for the operational phase, potential mitigation measures are suggested, including; allocating a number of car parking spaces for electric vehicle charging; preparing a travel plan for the site; and, ensuring all commercial vehicles serving or accessing the site are compliant with the latest European Emission Standards.

The Council's Air Quality Officer has considered the submitted information and accepts that it adequately assesses the likely impact of the development. The predicted impact on air quality (in particular annual mean nitrogen dioxide) ranges from moderate to negligible depending on location.

Nevertheless, it is the Council's desire to improve air quality in this location. Consequently through discussions with the applicant it has been agreed that 10% of

parking spaces will be provided with an electric vehicle charging point. This requirement will be secured via an appropriately worded condition.

Based on the evidence provided within the Air Quality Assessment together with the provision of electric vehicle charging points it is considered that the impact of the proposed development on air quality within this area is acceptable and in accordance with the provisions of Policies CS14 Accessible Places and Managing Demand for Travel and CS27 'Community Health and Safety' together with guidance contained within the NPPF.

Drainage and Flood 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.”*

Chapter 9 of the Environmental Statement assesses the potential impacts of the proposed development on water resources and flood risk. Consideration is given to the potential effects of the development upon surface water discharge, groundwater flood risk, water supply and wastewater disposal capacities. Mitigation measures required to prevent, reduce or offset the impacts, and the residual impacts are also considered.

The report confirms that the site lies within Flood Zone 1 on the Environment Agency’s flood maps where there is no risk of fluvial or tidal flooding. A Drainage and Flood Risk Statement has been prepared which assesses all potential sources of flooding including: tidal, fluvial, surface water, groundwater, sewers and infrastructure failure.

The highest point of Site B in the south-western corner sloping towards the east. Ground levels vary between 63 m Above Ordnance Datum (AOD) in the south western corner of the site and 55m AOD in the south eastern corner of the site. Site A slopes in a north-easterly direction vary between 60.7 m Above Ordnance Datum (AOD) in the south western corner of the site and 58.6m AOD

An unnamed culverted watercourse is recorded within the west verge of Europa Link, ultimately discharging to the River Rother to the east.

Yorkshire Water public sewer records indicate the following public sewers in the vicinity of the site;

- A public foul water rising main is recorded in Europa Link to the west, with a short section extending into the north of the site.
- A number of foul and surface water sewers exist in the residential areas to the northeast of the site, to the east of former railway cutting.
- A foul public sewer is recorded in Britannia Way adjacent the Mercure Hotel plot.

The applicant has advised the culverted watercourse within the west verge of Europa Link has capacity to accept a surface water discharge rate of 400 litres/second from the Sheffield Business Park development.

A drainage strategy for the overall Sheffield Business Park site has been developed which and allocates a discharge of 45 litres/second for Site B to the culverted watercourse. The remainder of the 400 litres/second discharge is maintained for the main body of Sheffield Business Park to the west of Europa Link. . Given the restricted discharge surface water attenuation will be required on plot.

Having regard to the effects during demolition and the construction phase, remediation and construction within the site has the potential to have an impact on the water resources through the mobilisation of contaminants and soils which could enter the controlled water receptors and through the interruption of groundwater and surface water movement. Without mitigation there is the potential for remediation to have a moderate adverse effect on a high receptor, the River Rother.

During this phase it will be necessary to provide a Construction Environmental Management Plan which will set out the temporary measures to manage surface water run-off and on site drainage. It is considered that this can be secured via a suitably worded condition and should include temporary settlement/attenuation ponds and the controlled removal of contaminated material to ensure that watercourses are not polluted.

Turning to the predicted effects during the operational stage of the development, since shallow groundwater was not recorded on site during site investigation, the risk of ground water flooding during the completed development phase is considered to be low. Accordingly, the impact of the completed development from ground water flooding is considered to be negligible.

The proposed development will undoubtedly increase the amount of impermeable surfacing within the site and as such result in a change in flood risk from surface water run off. In this regard, surface water will be managed through attenuation before release into the existing culverted watercourse and/or the site surface water drainage system. It is proposed that Site A shall discharge to the culverted watercourse at a restricted rate of 45 litres/second. Site B shall discharge to the existing surface water drainage infrastructure in Britannia Way at a restricted rate of 5 litres/second.

Having regard to all of the above, the Council's drainage engineer does not raise any objections in principle to the proposed development, however suggests that as the site is greenfield in nature, runoff must be limited to 5 l/s/ha, which is slightly less than the stated capacity of 45 l/s in the receiving surface water sewer. Furthermore, no locations have been identified for the surface water attenuation. Topography of the site needs to be considered and the proposed discharge locations are higher than much of the site and pumping stations are likely to be required.

Nevertheless, as this scheme is in outline only with details of layout and on plot landscaping reserved for subsequent approval, the drainage system will be subject to detailed design as part of the reserved matters applications. However the applicant has indicated that with the incorporation of Suds control measures, the development should not result in an increase in the rate and volume of surface water runoff from the site. Accordingly, the proposed development is considered to accord with the provisions of Policy CS25 'Dealing with Flood Risk' and emerging Policy SP50 'Understanding and Managing Flood Risk and Drainage'.

Geotechnical Issues

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 application site comprises of two parcels of irregular shaped land known as Site A and Site B separated by Britannia Way. Both parcels of land have been located entirely on land that has been extensively mined by both deep coal mining methods and opencast works which took place between 1989 and 1993. The opencast mine was subsequently backfilled to create a development platform but it is unknown to what specification it was backfilled. A former coking works is also reported to have existed on site and it is known that a backfilled railway cutting lies beneath the site.

Past intrusive site investigation and remediation works have been undertaken at the site between 2003 and 2005. The site investigation works revealed that ground conditions were found to be variable across the site due to the backfilling of the opencast works and deep railway cutting.

The remediation works undertaken largely comprised the remodelling of land contours using materials sourced from site, mostly from the railway embankment, so that a development platform could be created. However, the specification for these works is unknown.

Significant thicknesses of made ground are therefore anticipated to be present across the site which can give rise to both geo-environmental (contamination) and geotechnical constraints at the site.

The past site investigations revealed that contamination levels were found to be below the guidelines values available at that time for a commercial/industrial end-use. However, it is understood that site investigations were limited at the time due to obstructions being present across the site. It is therefore considered possible that some contamination may exist within the near surface soils which will require further investigation in line with current governmental guidelines for the investigation of potentially contaminated land sites.

Past gas monitoring was also undertaken on three separate occasions to determine the ground gassing regime at the site and the results revealed that gas protection measures would be required for each of the new builds. Further up to date gas monitoring is now required to understand the current ground gassing regime and whether gas protection measures will be required.

It is concluded that further ground intrusive site investigations are required to be undertaken in order to assess the environmental and geotechnical constraints (potential settlement issues due to opencast coal works and the infilled railway cutting) at the site which can be secured via suitably worded conditions.

General Amenity

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 adjacent to the Sheffield Parkway and is bound to the North West and North by existing industrial buildings. The nearest residential properties are located approximately 120m to the east beyond the dis-used railway cutting and 216m to the south across Sheffield Parkway.

It is accepted that Sheffield Parkway is a noise source in itself, however given some of the properties are located to the east, it is considered that there is potential for residential properties to be affected by noise and vibration depending on the type of industrial machinery installed and on the acoustic insulation provided to the buildings. No Noise Assessment has been submitted as part of this application as it would be almost impossible to predict what plant and machinery would be required for each unit given the buildings could be constructed on a speculative basis. In order to address this point it is recommended that a condition be imposed requiring a full Noise and Vibration Assessment to be carried out and submitted in support of all future Reserved Matters applications which will enable a full assessment of impact to be carried out and if required noise mitigation measures to be installed within the fabric of buildings.

On this basis it is considered that the proposed development can be accommodated on this site in compliance with the provisions of Policies CS27 'Community Health and

Safety' and SP52 'Pollution Control which seeks to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport.

Public Rights of Way

A public footpath runs north-west to south-east through Site B and continues along its southern boundary, before continuing south under the A630 Sheffield Parkway via an underpass accessed by steps. It is proposed to divert this right of way along the north eastern boundary of the site entering on to Britannia Way along the shared boundary between unit B and the existing Mercure Hotel.

The Council's Public Rights of Way Officer has been consulted on the application and recognises that there are opportunities for greater access for the overall development area (not just this proposal), however these lie just outside the developer's ownership. There is great potential for the old railway sidings/overbridge to provide a non-motorised transportation link between this area and the greater Waverley area which the Council would be very keen to see happen if this becomes a possibility in a future development.

Notwithstanding this, the proposed diversion of the footpath, within the application site is considered to be acceptable, however this diversion should be in place prior to the commencement of development on this phase.

Cumulative Impacts

The ES assesses the cumulative impacts of the development in conjunction with major committed development in the vicinity of the site as agreed with the Council

Traffic Impacts – The methodology used in the submitted TA and relevant chapter of the ES is considered to be appropriate to determine the impact of the development on the local and strategic road network. The relevant cumulative impacts have therefore been considered and the impact of the development is considered acceptable subject to mitigation secured through conditions.

Air Quality – The cumulative affects during the construction and operational phase of the development are considered and can be adequately mitigated by conditions.

Surface Water and Drainage – The proposed development will require connections to established drainage systems in the locality to control the flow of surface water from the site which should be agreed with the LPA prior to full design. The development will include a surface water attenuation feature in the design to reduce run off, and due to the location of the site in the lowest area of flood risk (Flood Zone 1) as defined by the Environment Agency the proposal, is not considered to give rise to any cumulative drainage or flooding issues.

Ecology and Biodiversity – there are no sites of international nature conservation interest within 5km of the site. The site supports a limited number of habitat types isolated by an established road network. Protected/priority species are known/likely to be present, however subject to required mitigation measures, it is considered that the impact of development is acceptable in this instance.

Cumulative Impact Conclusion - The relevant cumulative impacts have been considered as part of the ES and suitable mitigation is proposed and can be secured by way of suitably worded conditions to offset any significant adverse impacts.

Conclusion

The application seeks permission in outline for B1 (b) & (c), B2 and B8 uses on a site that is allocated for Industrial and Business Use within the adopted Local Plan. The proposal is therefore considered to be acceptable in principle and in accordance with the provisions of Policies SP1, CS1, CS3 and CS9, together with guidance contained within the NPPF.

The proposal is not considered to have any adverse effect on the character of the area or on residential amenity and therefore is considered to comply with Policies CS28 and SP55.

Furthermore the impact of the proposal on the local and strategic network is considered to be minimal. The level of car parking provision is in accordance with the Councils maximum parking guidelines, and the site is considered to be in a sustainable location with access to public transport. The development is therefore considered to be in accordance with the policies of achieving sustainable development in the NPPF and with Local Plan policies CS14, SP26 and SP56.

With regards to drainage, the proposal is considered acceptable in this respect and full details should be submitted at the reserved matters stage. Turning to landscaping and ecology, it is considered that the site can be appropriately landscaped, subject to the submission of full details with a reserved matters application, and that recommended mitigation measures are appropriate to encourage biodiversity gain at the site. The site has previously been levelled to create a development platform, and with regard to ground contamination, the imposition of conditions on any permission would render the proposal acceptable from this point of view.

It is therefore recommended that planning permission be granted subject to the following conditions.

Conditions

01

Details of the layout, scale, appearance, access and plot landscaping (hereinafter called the "reserved matters") of any phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins on such phase and the development of that phase shall be carried out as approved.

Reason

No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority and to comply with the provisions of the Town and Country Planning Act

02

The application for approval in respect of any matter reserved by this permission must be made not later than the expiration of 7 years from the date of this decision.

Reason

In order to comply with the requirements of the Town and Country Planning Act and provide an extended period to implement this permission given its scale and complexity.

03

The development shall be begun not later than whichever is the later of the following dates:-

- a) the expiration of two years from the final approval of the reserved matters or,
- b) in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

APPROVED PLANS

04

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

- Site Location Plan – 0001 Rev P01

Reason

To define the permission and for the avoidance of doubt.

USE CLASS RESTRICTION

05

No more than 20% of the overall floorspace hereby approved shall be used for B1a office purposes. This floorspace shall be distributed amongst the units as submitted as part of their respective Reserved Matters applications and be used as ancillary accommodation.

Reason

The application has been assessed on this basis.

MATERIALS

06

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

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Local Plan Policies CS28 and SP55.

TRANSPORT

07

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with Local Plan Policies.

08

Car parking shall be provided within the curtilage of each unit in accordance with the Council's maximum car parking standards.

Reason

In the interests of highway safety.

09

No above ground development shall take place within each phase of development until road sections, constructional and drainage details have been submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

10

All vehicular access to /egress from the site shall be derived via Britannia Way.

Reason

In the interest of road safety

11

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority in consultation with Highways England. The plan shall reference the accepted level of trips as the baseline against which it would operate and shall include clear and unambiguous objectives, modal split targets as well as the peak hour vehicle targets together with a time bound programme of implementation, monitoring and regular review and improvement. The plan shall clearly set out what actions shall be taken should targets not be achieved. The mechanisms by which the plan is to operate shall be submitted for approval. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the programme of implementation.

Reason

In the interests of ensuring the safe and efficient operation of the Strategic Road Network.

DRAINAGE

12

No above ground works within each phase of development shall 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) unless demonstrated to not be viable;
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The limitation of surface water run-off to equivalent brownfield rates (i.e. minimum of 30% reduction in flows based on existing flows and a 1 in 1 year return period);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

Reason

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

13

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.

14

Development shall not begin until a Flood Risk Assessment based on existing flood risk, proposals to mitigate flood risk and sustainable drainage principles for the development, has been submitted to and approved in writing by the Local Planning Authority.

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.

15

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

16

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

17

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

Reason

To ensure that the development can be properly drained in accordance with Local Plan Policies..

LANDSCAPE

18

Prior to the felling of any vegetation on site, a detailed landscape scheme for the Structural Perimeter landscape buffer to the Parkway and Railway embankment as indicated on Landscape Masterplan (Bond Bryan Drawing No SBP4 BBA 00 XX DR A 0014 S2 P13) and Landscape Strategy (Bond Bryan Drawing No SBP4 BBA 00 XX DR A 0015 S2 P05) 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:

- 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 in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

Reason

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

19

All subsequent applications for the approval of reserved matters shall have regard to the landscape masterplan Landscape Masterplan (Bond Bryan Drawing No SBP4 BBA 00 XX DR A 0014 S2 P13) and Landscape Strategy (Bond Bryan Drawing No SBP4 BBA 00 XX DR A 0015 S2 P05) and shall include a detailed planting plan. Such plan shall be prepared to a minimum scale of 1:200 and shall clearly describe:

- 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 in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

Reason

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

20

The development shall be carried out in accordance with the recommendations outlined within Chapter 7 of the Extended Phase 1 Habitat Survey dated 01/10/2018

Reason

In the interests of protecting the biodiversity of the site.

21

No development shall commence until full details of measures to protect the existing trees, shrubs, to be retained, have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented.

These measures shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development.

Reason

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

22

Prior to the submission of the first Reserved Matters, a scheme for the delivery of public art shall be submitted to and approved by the LPA. The scheme shall also include a programme for implementation.

Reason

To assist in the delivery of a well-designed scheme, in accordance with Local Plan Policies CS28 and SP55.

ENVIRONMENTAL

23

All future applications for reserved matters shall be accompanied by plans showing electric vehicle charging points. The quantum should equate to 10% of car parking bays proposed for that phase of development.

Reason

In the interests of the amenity of the locality and in accordance with Policy CS27 'Community Health and Safety'.

24

No part of the land other than that occupied by buildings shall be used for the permanent storage of goods, components, parts, waste materials or equipment without the prior written approval of the Local Planning Authority.

Reason

To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with Policy CS 28 Sustainable Design

25

For each building contract with the development hereby approved, a Construction Management Plan shall first be submitted to and approved in writing by the Local Planning Authority detailing the following:

- Wheel washing facilities
- Hours of operation
- Methods to control dust emissions
- Noise levels and specifications of reversing alarms fitted to vehicles
- Contact name and telephone number of Officer responsible for immediate investigation of complaints

The construction shall thereafter be carried out at all times in accordance with the approved details.

Reason

In the interests of the amenity of the locality and in accordance with Local Plan Policies

26

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

Reason

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

27

All subsequent applications for the approval of Reserved Matters shall be accompanied by a report from a specialist noise consultant or suitably qualified person to assess the impact of this additional noise source on nearby residential properties. 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 no more than 0dB(A) above the prevailing background levels, outside the windows of the nearest noise sensitive property during the quietest measured period.

Reason

In the interests of the amenity of the locality and in accordance with Policies CS27 'Community Health and Safety' and SP52 'Pollution Control'

28

All subsequent applications for the approval of reserved matters shall include a report on the potential for vibration from industrial machinery to affect neighbouring businesses or residential properties. The report shall address any remedial works that need to be carried in order to avoid any adverse impact on nearby noise sensitive receptors.

Reason

In the interests of the amenity of the locality and in accordance with Policies of Policies CS27 'Community Health and Safety' and SP52 'Pollution Control'

PUBLIC RIGHTS OF WAY

29

The definitive right of way which runs through the site shall not be obstructed in any way as a result of construction activities taking place on site.

Reason

To avoid the stopping up of a right of way.

GROUND CONDITIONS

30

Prior to the commencement of development within each phase of development 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 submitted to the Local Planning Authority for written approval

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.

31

Subject to the findings of the Intrusive Site Investigation as required by Condition 30 and prior to the commencement of development within each phase of development, a Remediation Method Statement shall be submitted to and approved by the Local Planning Authority prior to any remediation works commencing on site. 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 the 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.

32

Subject to the findings of the Intrusive Site Investigation as required by Condition 27 and in the event that gas protection measures are still required for any new builds, a detailed specification of the gas protection measures to be installed shall be submitted to and approved in writing 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.

33

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 Authority to ensure they are free from contamination. The results of testing shall be submitted to the Local Planning Authority in the format of a Validation Report.

Reason

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

34

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.

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.

35

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

Reason

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

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	RB2018/1995
Proposal and Location	Erection of bungalow and detached garage and formation of vehicular access at land adjacent 2a Worksop Road, Woodsetts, S81 8RN
Recommendation	<p>A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • A commuted sum of £640 towards off-site planting of 2 trees <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

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



Site Description & Location

The application site is located within the centre of the village of Woodsetts on land adjacent to a single storey building last used as a café at no. 2a Woodsetts Road. The site lies close to the crossroads of Worksop Road with Gildingwells Road and Lindrick Road. Immediately adjacent and to the west of the site is the Millennium Garden whilst there is a play area to the north of the site and Woodsetts Village Hall beyond. Residential properties are sited to the south across Woodsetts Road. To the south west of the site is St George's Church.

The land in question is largely level and raised slightly above the road and is grassed and unenclosed, there are trees located along the northern boundary both within the application site and in the adjacent play area.

Background

There have two previous planning applications submitted relating to this site:

RB1987/0051 – Erection of bungalow & garage – Refused and Dismissed at Appeal

RB2015/1229 – Outline application for single storey dwelling, including details of scale – Granted Conditionally.

A current full application for the erection of a single bungalow on the adjacent land has also been submitted and is considered separately on this agenda (RB2018/1960).

CIL

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

Proposal

The application is for the erection of a 2 bedroom bungalow with detached garage and formation of vehicular access.

The bungalow would of a hipped-roof form with a modest projection at the front. The building would be set back from the footpath by 1.3 metres. It would be located between 1.3 and 1.8 metres off the northern boundary.

The garage would be sited along part of the site's eastern boundary and close to the northern boundary of the site. It would be at the end of a driveway and would be of a hipped roof form with a single garage door to the front.

The house and garage are proposed to be constructed with coursed old rumbled artificial stone with a terracotta pantile red roof.

The garden would be sited to the west of the property between the west elevation of the house and the boundary with the Millennium Gardens. The garden area would be approximately 60 sq. metres in area.

To the front a new boundary wall would be set 1.3 metres back from the footpath and would be 2 metres high with landscaped area between the wall and the footpath.

A new tree is proposed to be planted in the garden of the dwelling proposed on this site and within the garden of the property proposed on the adjacent plot. A new hedgerow is proposed to be planted along the north and west boundaries of this site.

A new vehicular access would be formed just to the west of an existing lamp post.

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

Design and Access Statement

The Statement provides details of the site and the proposal.

Tree Survey and Report

The document provides details of mitigation to address the loss of trees on the site; this includes a replacement tree and hedgerow on the site and a commuted sum contribution for off-site tree planting.

Noise Report

The report concludes that the children's playground had no impact on the measured levels, and that they were controlled throughout by local and more distant traffic noise. External noise intrusion into the dwelling can be readily controlled to acceptable levels by means of standard double glazing and basic acoustic trickle vents. A 1.8m high solid wall or fence along the front boundary would be required to control road traffic noise to the level recommended by the Council's Environmental Health department.

Planning Statement

The statement provides evidence of how the proposal satisfies policy SP62 'Safeguarding Community Facilities'.

Land Contamination

A screening assessment has been provided indicated that the land has been as domestic land.

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 Community Facilities in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS14 'Accessible Places and Managing Demand for Travel'
CS21 'Landscape'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS29 'Community and Social Facilities'
SP26 'Sustainable Transport for Development'
SP52 'Pollution Control'
SP55 'Design Principles'
SP62 'Safeguarding Community Facilities'

Other Material Considerations

Council's Car Parking Standards.

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 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 has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 6 letters of representation have been received, including one from Woodsetts Parish Council. The issues raised by local residents are summarised below:

- The proposed development would block views of the green play area across from my house and block views of the Church.
- The bus stop causes tailbacks twice an hour, and additional access to the two houses will increase this, causing a highway hazard.
- Access in and out of the new houses would be an additional hazard.
- The open, green heart of our village will be lost.
- Potential light pollution from the dwellings filtering into adjacent bedrooms.
- Construction noise and disturbance.
- The proposal will affect our privacy.
- Will impact on the safety of highway users.

- Will result in the loss of 9 healthy trees.
- The site is too small for the development and the proposal will look out of place.
- Will impact on Woodsetts Conservation Area.
- The proposal will impact on the community allocated amenity area.
- The proposed dwellings will be affected by noise from children playing in the adjacent play area.

The issues raised by the Parish Council are summarised below:

- The development overlooks the Children's play area and Peace Garden.
- There is no appropriate parking away from the plot for any visitors.
- The development will interfere with wildlife.
- The density of development is not appropriate.
- The access to and from the plot will have safety issues for the new owners and highway users.
- Extra traffic generation in the village of Woodsetts is unwelcome.

2 right to speak requests have been received, from the applicant and an objector.

Consultations

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

RMBC - Tree Service Manager: Have no objections subject to conditions and a commuted sum towards off-site tree planting.

RMBC - Land Contamination: Have no objections subject to conditions.

RMBC – Environmental Health: Have no objections subject to conditions.

RMBC – Drainage: 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.

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 considerations in the determination of the application are:

- The principle of development
- Design issues
- Impact on amenity
- Highway issues
- Trees
- Other considerations

Principle of development

The site is allocated for Community Facilities in the Local Plan, as the proposed development would result in the change of use of land to residential purposes, the requirements of Policy SP62 ‘Safeguarding Community Facilities’ will need to be addressed.

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 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...”

While the site has never been used for a community purpose, the policy allocation was on the basis of the site being immediately adjacent to the former Woodsetts School, which has since been relocated, allowing for the construction of Woodsetts Village Hall and play area.

The applicant has indicated that the site is in private ownership and has never formed part of a community facility, being separated from it by a fence. Furthermore, there are a range of facilities in the immediate surrounding area, including the village hall, large play area and multi-use games area to the rear of the site and there is a recreation field within walking distance of the site.

Accordingly, there does not appear to be any unmet demand for a community facility that could be accommodated on the site.

Given the circumstance of the school relocation and a new village hall being built on the adjoining site, it is considered that the justification for the change of use as stated in the applicant's supporting statement is sufficient to satisfy policy SP62 'Safeguarding Community Facilities'.

Further to the above, the proposal will also satisfy policy CS29 'Community and Social Facilities' insofar as the site is in close proximity to public transport facilities and local services.

Accordingly, it is considered that the principle of development is acceptable.

Design issues

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

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

The NPPF at paragraph 124 states: "Good design is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

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

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

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

The proposed dwelling is of a modest size that sits comfortably on the site with sufficient space for parking and manoeuvring of vehicles and private amenity space. The design of the dwelling reflects the character of neighbouring bungalows with the hipped roof form and projecting front off-shot, which would enhance the quality and character of this area.

The dwelling, whilst sitting close to the back of the footpath and in front of the closest property, would reflect the character of dwellings located adjacent to the footpath within the village of Woodsetts along Lindrick Road, which is within the Conservation Area. Accordingly, it is not considered that the siting of the dwelling would be out of keeping with the character of the village.

In addition the garage is of an appropriate size and design that would not adversely affect the character or appearance of the area. The wall to the front while it would be above 1 metre in height it would be set back from the back of the footpath by over 1 metre, therefore it would normally be permitted development. Notwithstanding this the wall would be of a suitable construction for a village and there are examples of similar sized walls sited directly at the back of the footpath along Worksop Road and within the adjacent Conservation Area. Accordingly, the wall would be of an appropriate size, design and siting that would not adversely affect the character of the area and would be similar in appearance to other walls in the vicinity.

It is therefore considered that from a design perspective the proposal would represent an acceptable and appropriate form of development that would be in compliance with the requirements of the NPPF and the Local Plan policies referred to above.

Furthermore, it is proposed to remove permitted development rights for future extensions and outbuildings to the dwelling and the site, given the size of the plot is on the limits in respect of private amenity space and it will allow the Council to fully assess the impact on the site, surrounding area and amenity of existing and future occupants of extensions and alterations.

Impact on amenity

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

Local Plan policy CS27 'Community Health and Safety' states: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment..." Policy SP52 'Pollution Control' states: "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."

In respect of amenity there are two elements:

- iii) the impact of the construction phase on the existing local residents; and
- iv) the impact of the development once constructed on the amenity of both existing local residents and future residents of the site

Impact of the construction phase on existing local residents

In relation to construction, it is noted that a number of objectors have raised this as an issue. Those comments have been considered but the effects of works during the construction phase are inevitable with building works. However, while some noise, dust and disturbance is to be expected with development works of this type, it is important to limit the impact of the works on nearby residents. Good construction practice and

appropriate consideration of working hours should ensure that this occurs, the Council will add the standard informative to any approval regarding the construction works and any breach would be covered by the Environmental Protection Act.

Impact of the development once constructed on the amenity of both existing local residents and future residents of the site

With regard to the impact of the dwelling once constructed on the occupants of existing properties, it is noted that there are no properties to the north or west of the site; the closest existing properties are on the opposite side of Worksop Road, while the nearest property potentially could be the dwelling being considered under RB2018/1960. The spacing distances between the proposed dwellings and the existing dwellings meet the relevant distances outlined within the South Yorkshire Residential Design Guide.

Accordingly, the proposed dwelling would not give rise to any overlooking or privacy issues. In addition, the proposed dwelling would not appear overbearing or oppressive when viewed from neighbouring properties due to the spacing distances, land levels and boundary treatments; and would not give rise to any overshadowing or a significant loss of direct sunlight and / or natural daylight.

Further to the above the dwelling is provided with a garden area that satisfies the guidance in the South Yorkshire Residential Design Guide for dwellings of this size.

An issue raised by one of the objectors was in relation to potential light pollution from the dwelling intruding into their property opposite. The only light proposed to be omitted from the property would be internal lights from the front rooms, the level of luminance of these lights together with the distance over Worksop Road would not have a negative impact on the occupants opposite. Furthermore, security lights on the property do not require planning permission, but if they are put up and cause a light nuisance the Council's Environmental Health department will be able to investigate.

Given the location there is a possibility that the proposed dwelling may be affected by the noise from the children in the playground at the rear and road traffic noise. A noise report has been submitted by a suitably qualified noise consultant. The noise report found that the children's playground would have no significant impact on the property, including its garden, but that a 1.8 metre high solid wall or fence along the front boundary would be required along with standard double glazing and basic acoustic trickle vents to control road traffic noise to an acceptable level.

The contents of the report and its conclusions have been accepted by the Council's Environmental Health department and subject to conditions relating to double glazing, acoustic trickle vents and boundary treatment will ensure there is no adverse noise impact on future occupants.

Accordingly, from the information outlined above it is considered that the proposal would comply with paragraph 127(f) of the NPPF, Local Plan policies CS27 'Community Health and Safety', SP52 'Pollution Control' and the South Yorkshire Residential Design Guide.

Highway issues

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

CS14 ‘Accessible Places and Managing Demand for Travel’ states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, 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. Policy CS14 is supported by paragraphs 108 and 110 of the NPPF.

SP26 ‘Sustainable Transport for Development’ states: *“Development proposals will be supported where it can be demonstrated that:*

- b. 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...”*

The site layout plan shows an acceptable visibility splay onto Worksop Road to ensure there is a suitable and safe access / egress to the site. Furthermore, the site has been provided with an appropriate level of on-site parking that satisfies the requirements of the Council’s Parking Standards. Accordingly, subject to conditions to secure the sight lines on the submitted plan, the hardstanding being permeable to ensure surface water doesn’t run onto the highway and the existing kerblines being reinstated, the proposal would not raise any unacceptable impact on highway safety or severe impact on the road network. Furthermore, the additional access would not significantly impact on tailbacks caused by the adjacent bus stop, these tailbacks occur at the moment and the access would not further exacerbate this issue which was raised by a local resident.

Accordingly, from a highway perspective the scheme would comply with policies CS14 ‘Accessible Places and Managing Demand for Travel’ and SP26 ‘Sustainable Transport for Development’.

Trees

The site consists of three trees located along the northern boundary of the site, there are also three trees along the northern boundary of the adjacent site, all of which are proposed to be removed as part of this development and the development of the adjacent site. The trees are considered to be of relatively low arboricultural value, some of which have poor form and are having their growth obstructed by the existing wire fence, however collectively they provide good roadside amenity and screening to the adjacent play park to the north of the site.

The applicant is proposing to mitigate for the loss of these trees by planting a new tree to the front / side of this property and the property on the adjacent site; planting a broadleaf hedge to the northern and eastern boundaries of both sites; and paying a commuted sum for the planting of a total of four trees off site (two new trees will be secured via this permission, and two via the permission on the adjacent site.) This ensures that if only one of the properties is approved and / or built out there is a level of suitable mitigation secured in respect of the trees lost.

The issues of wildlife impact has been raised by a local resident in one of the objections received, there is no evidence of any habitats on the site. However, a standard informative shall be imposed to ensure that works are carried out in accordance with relevant nature and conservation legislation.

The Council's Tree Service have indicated that subject to securing the replacement planting on site as shown on the submitted revised tree report by way of a condition and a s106 agreement being secured for this particular application for the commuted sum of £640 for two trees to be planted off-site on greenspace land owned by the Council within the vicinity of the application site, the development would be acceptable and would satisfy the requirements of policies CS21 'Landscape' and SP32 'Green Infrastructure and Landscape'.

Other considerations

The issues raised by local residents and the Parish Council are noted and the majority of the issues raised including impact on character and appearance of the area, impact amenity, overdevelopment of the site, highway issues, loss of trees, construction impact and noise impact have been assessed in the above.

Furthermore, objections were received in respect of impact on views of the play area and neighbouring church; impact on Woodsetts Conservation Area and overlooking of the play area and Millennium Garden.

With respect of impact on views, there is no right to a view in planning legislation and as such this is not a material planning consideration. Further to this the buildings are low level and a sufficient distance from neighbouring properties to not appear overdominant or oppressive.

In regard to the impact on Woodsetts Conservation Area, the site is located outside of the Conservation Area which starts at the Church and runs down Lindrick Road. However, it is considered that views out of the Conservation Area would not be adversely impacted and views towards the Conservation Area would not be harmed.

As the dwelling is single-storey views of the playground and Millennium Garden would be screened by the boundary treatment and hedgerow proposed on the northern and western boundary.

Accordingly, whilst the issues raised have been considered, both collectively and individually they do not outweigh the fact that the proposal satisfies national and local planning policies and guidance.

Conclusion

Having regard to the above, the application is considered to be acceptable in principle and represents an acceptable form of development which is of an appropriate design that would not adversely affect the character or appearance of the locality. Furthermore, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues. Therefore, the application would comply with relevant national and local planning policies and is subsequently recommended for approval subject to conditions and the signing of a s106 agreement for the provision of a commuted sum of £640 towards off-site tree planting.

Conditions

General

01

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

Reason

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

02

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

Location Plan, received 14 December 2018

8032 rev C, received 21 March 2019

8022 rev C, received 21 March 2019

Plan 2 – Tree Constraints Plan, received 4 April 2019

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity.

04

The dwelling shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied.

Reason

In the interests of the visual amenity of the area and the amenity of future occupants.

05

Notwithstanding the provisions of Schedule 2, Part 1, Class A, B and E of the Town and Country Planning (General Permitted Development) Order 2015, as amended, no extensions or alterations to the property or outbuildings shall be carried out without the prior permission of the local planning authority.

Reason

In order assess the potential impact on the character of the area and amenity of neighbouring residents.

Highways

06

When the proposed access has been brought into use, the existing access marked on the proposed site layout shall be permanently closed and the footway / kerbline reinstated in accordance with timings and details to be submitted to and approved by the Local Planning Authority.

Reason

In the interests of road safety.

07

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

08

Before the development is brought into use the sight lines indicated on the proposed site layout shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 600mm above the level of the adjacent footway and the visibility thus provided shall be maintained.

Reason

To provide and maintain adequate visibility in the interests of road safety.

Amenity

09

Standard double glazing and basic acoustic trickle vents shall be provided as set out in the noise assessment dated March 2019 from ADT.

Reason

In the interests of the amenities of the occupiers of the proposed dwellings.

10

An imperforate barrier such as a 1.8 metre high close boarded timber fence or wall shall be provided along the boundary of the garden with the road as set out in the noise assessment dated March 2019 from ADT limited.

Reason

In the interests of the amenities of the occupiers of the proposed dwellings.

Land Contamination

11

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

Reason

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

12

If subsoils / topsoils are required to be imported to site for gardens/soft landscaping areas, 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 which will need to be presented in the format of a validation report which will be submitted to this Local Planning Authority for review and comment.

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.

Trees

13

Prior to the dwelling being occupied a suitable scheme of proposed tree planting and tree pits shall be submitted to and approved by the Local Planning Authority. The scheme shall include the following comprehensive details of all trees to be planted:

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

All tree planting must be carried out in full accordance with the approved scheme in the first planting season (1st October to 31st March inclusive) after the commencement of the development. The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

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

Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change.

Informatives

01

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

It is noted that the proposal is to discharge the surface water to soakaways. The suitability of this option should be proven by percolation tests and drainage will be subject to Building Regulations approval. The soakaways should be sited a minimum of 5m from buildings. Other discharge points for the surface water should be identified if the percolation tests prove to be ineffective.

03

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

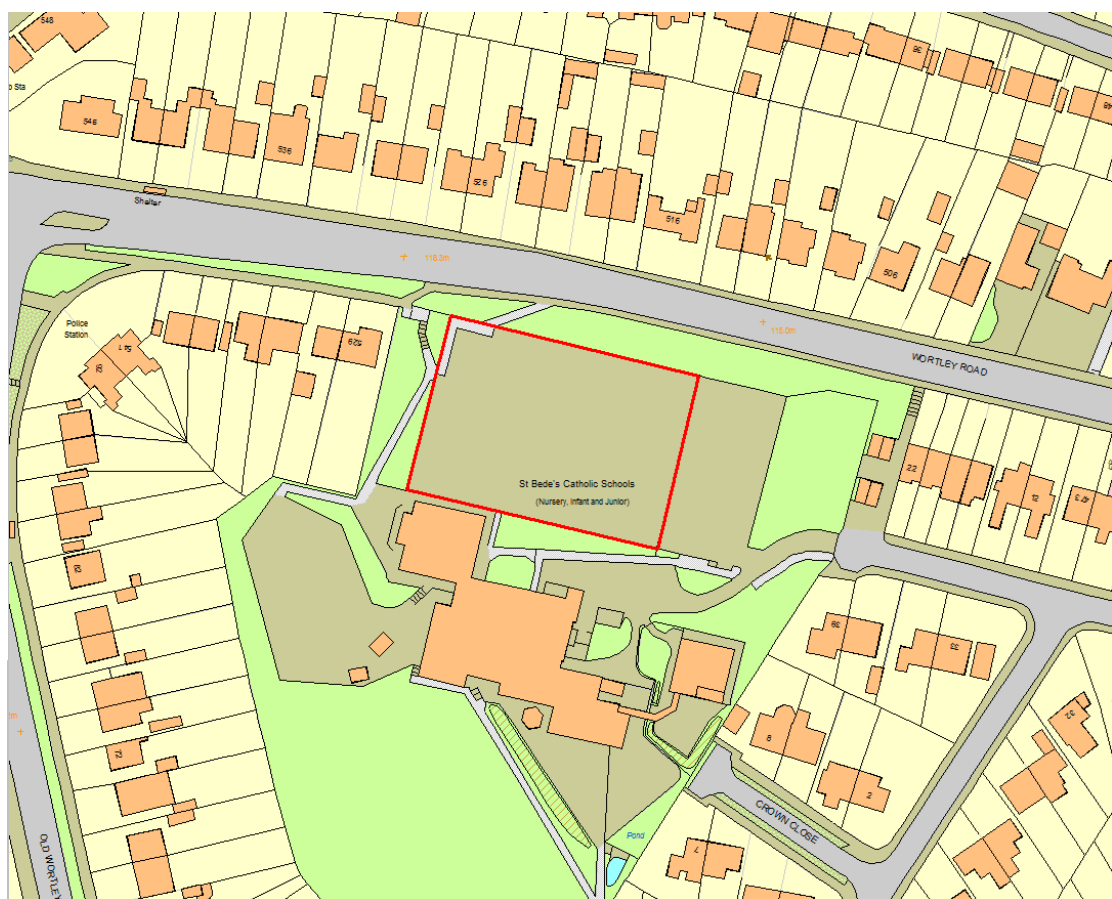
Furthermore, vegetation removal should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests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

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2019/0050
Proposal and Location	Erection of fencing and floodlighting at St Bede’s Catholic School, Wortley Road, Kimberworth, Rotherham.
Recommendation	Grant subject to conditions

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



Site Description & Location

The site of the St Bede’s Catholic High School has been used for education (Use Class D1) purposes for many years and is allocated for community facilities in the Local Plan.

The site specifically relates to the playground area at the front of the main school buildings.

The school buildings are not listed and the site is not within a Conservation Area; there are no trees protected by TPOs in the immediate vicinity and the site is not at risk of

flooding.

Background

St Bede's School was originally constructed in 1966. There have been various extensions and alterations since that time, with a new surface for the playground granted planning permission 2018 (RB2018/1456).

Proposal

The proposal is to erect 4m high fencing around the new playground to the front of the school and 10 x 8m high floodlights to illuminate the games area and adjacent car park.

Development Plan Allocation and Policy

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

The site has a community use allocation in the Local Plan.

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

Core Strategy policy(s):

CS28 Sustainable Design

CS29 Community and Social Facilities

CS33 Presumption in Favour of Sustainable Development

Sites and Policies Document:

SP55 Design Principles

SP57 Sustainable Construction

SP62 Safeguarding Community Facilities

Other Material Considerations

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

National Planning Policy Framework: The revised NPPF came into effect on July 24th 2018. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

Publicity

The application has been advertised by way of site notice (22 February 2019) and letters to neighbouring properties (19 February 2019). A total of 8 representations have been received and can be summarised as follows:

- Noise created at unfavourable times for neighbours of the school and car parking issues created if different organisations are able to use the facility;
- The facility will be unsightly, and has no set turning on/off times for the floodlights. Will create unsociable noise, disruption and disturbance at all hours. Constitutes an unacceptable invasion on the neighbours' privacy. Will result in a sports facility and no longer just a school;
- Unclear hours of use, but if outside of regular school hours there would be an increase in noise and light pollution and light spillage to neighbouring residents. Will result in general harm to residential amenity;
- Evening use will create increased noise and unsociable disturbance to the residents that surround the school;
- School would become a sports facility and no longer just a primary school, resulting in a change of use without consultation or proper planning;
- No objection as long as use is only in school term times and usual school hours, and not let to third parties. The noise and light pollution created will affect the adjacent houses. Want assurance the time and dates restrictions will remain once the fences and lights are installed;
- The playing areas are used as an overspill car park for school events, but a fenced off pitch will result in excessive parking around the school. The light emitted from the facility will be visible from objector's house.

Following new information received, a further two week consultation was initiated, with letters to neighbouring properties issued on 27 March 2019. A further 3 representations were received, which are summarised below:

- The existing parking issues around the school would be exacerbated. The facility may become used by third parties in the future. The lighting will be visible from the objector's house;
- The proposed fencing and lighting is too high and unsightly for a residential area. There is already security lighting illuminating the playground area from dusk until dawn;
- The application offers no explanation of the purpose for the pitch and lighting, the times of use are unclear and who will have access to the facility? Who establishes when the lights are turned off? How many lights will there be and where will they be positioned? There is the possibility of heightened anti-social behaviour, the pitch and lighting not being for the sole use of St Bede's students, not being solely used in term time and school hours, or whether a future amended application may be submitted changing the times of activity.

Consultations

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

Neighbourhoods (Environmental Health) – no objections subject to conditions

Streetpride (Drainage) – no objections

Appraisal

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

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

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

The main considerations in the determination of the application are:

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

Principle

The site is allocated for community facilities in the Local Plan and has been used as a school since the 1960s. The gravel play area at the front elevation of the school facing Wortley Road has been replaced with a modern 3G playing surface and this area of the site retains the character and usage of the existing and traditional playground. The fencing off and illumination of this area enables a secure all-weather and all-season provision for the school and the attending students.

In principle, it is considered acceptable to erect fencing and floodlighting at this location as it is in conformity with the Local Plan allocation for Community Facilities and policy CS29 'Community and Social Facilities' and Sites and Policies Document policy SP62 'Safeguarding Community Facilities'.

Design, Scale and Appearance

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

No extensions or additions to the existing school buildings are proposed and the external appearance of the main school building will remain the same as existing, with the openness of the play area unaffected.

An existing steel palisade fence runs along the perimeter of the school and Wortley Road. This existing boundary treatment is set back from the road, with a grass verge and several trees acting as a buffer.

The main changes proposed are the erection of further mesh panelled fencing within the existing boundary treatment of the site to enclose the new playing surface, and

floodlights located at the corners of this enclosure. The new fence will be set in approximately 1.7m from the existing steel Palisade fence and will be powder colour coated in green to minimise its visual presence. The proposed floodlights are located on the perimeter of the playing field and angled away from the neighbouring residential buildings. They will be 8m high but are on ground that is lower than the adjacent highway and will not appear out of character in the area.

As such the proposal is not considered to have a detrimental effect on the visual amenity of the area and is therefore acceptable in this regard and in accordance with the NPPF and Core Strategy CS28 'Sustainable Design'.

Impact on the surroundings

Residential properties surround the site boundary on all sides.

The main issue is the potential for an increase in light pollution, noise and general disturbance, particularly to the nearest residential properties along Wortley Road, who's boundaries are within 25m of the site.

The school have confirmed that the playground is only to be used by the school during normal school opening hours and no external body will be allowed to use it for recreational purposes.

The Council's Environmental Health team have recommended that only the floodlighting system as specified in the TamLite report submitted with the application (project number 40527) shall be installed on site to ensure that there will be no direct light from the floodlighting system visible from the highway and no visual light intrusion to neighbouring residential properties. To minimise any additional noise, the playground area should only be used by the school and its pupils between the hours of 0900 -1800 hrs Monday to Friday.

Subject to the above, which will be controlled by a condition, the use of the facility and the floodlighting will not cause any undue harm to the amenities of the occupiers of the neighbouring properties and is considered acceptable.

Highway Safety

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

Drainage and Flood Risk Issues

The application site does not lie within a known flood risk area and the Drainage Officer confirmed that the proposal is acceptable.

Conclusion

The principle of development is considered to be acceptable. The site lies on a busy main road with high volumes of traffic. The proposed visual appearance is similar to what currently exists with the main change being a new proposed fence and floodlighting. Subject to condition limiting the time of day that the facility can be used, the proposal is recommended for approval.

Conditions

01

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

Reason

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

02

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

Location Plan – Dwg No. – 001 Rev A (received 21/12/18)

Site Plan – Dwg No. – 001 Rev A (received 21/12/18)

Proposed Fencing Area and Elevations – Dwg No. – 007 rev B (received 27/3/19)

Lighting Elevations – Dwg No. – 54042_162041_492115

TC Columns Specifications – Dwg No. – 103260_163878_228986 & 103260_163878_233017

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Local Plan Policies CS28 'Sustainable Design' and SP55 'Design Principles'.

04

The playground and the associated floodlighting shall be used by the school and its pupils and only operate between 09:00 and 18:00 Monday to Friday.

Reason

In the interests of amenity of the surrounding area.

05

Any floodlighting system installed on site must be in accordance with the TamLite report submitted with the application (project number 40527).

Reason

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

Informative

01

The applicant should contact the Council's Principal Street Lighting Engineer, Allan Lewis tel. 01709-823069, to examine the light installation upon completion so as to ensure a satisfactory standard is attained.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2019/0119
Proposal and Location	Temporary use of land for siting of offices and storage containers at The Pitches Sports Club Wickersley Road Broom
Recommendation	Grant subject to conditions

The application is being reported to Planning Board due to the number of objections received.



Site Description & Location

The application site is the Pitches Sports Club, a pavilion and sports field located off Wickersley Road. The Sports Club is currently vacant and has not been occupied since Sept 2015. The building sits immediately to the south of a predominately residential area. The proposed offices are located to the south and west of residential properties on Wickersley Road and Stag Willow Close respectively and adjacent to the existing Pitches Sports Club pavilion within the car parking area for the club. The site is designated as Green Space in the adopted Local Plan.

Background

The following applications have been submitted historically in respect of the site;

RB2019/0539 - Erection of 124 No. dwellinghouses, landscaping, public open space & associated infrastructure for Newett Homes Ltd. – Current application to be determined
RB2012/1608 – Formation of hard standing area to create additional parking – GRANTED CONDITIONALLY

RB1997/0612 - Outline application for residential development – REFUSED

RB1987/1667 - Demountable building for use as changing rooms – GRANTED CONDITIONALLY

RB1986/1340 - Extensions & alterations to sports/ social club & extn to car park – GRANTED CONDITIONALLY

Asset of Community Value – It should be noted that the Pitches Sports Club, incorporating playing field, access driveway, hardstanding car park and social club, (which includes the current application site) has now been listed and recorded on the Successful Register, of Assets of Community Value held and maintained by this authority. This does not impact on the merits of the current application proposals.

Proposal

The applicant is seeking a planning permission for a temporary 12 month period for the use of land for siting of offices and 6 storage containers. The offices are five interlocked porta cabins measuring a total of 18m x 9m in floor area and are located on an area of the car park to the north east of the existing pavilion building. The applicant has indicated that he previously had offices at the Van Dyk Hotel, Clowne, Chesterfield, and these are no longer available, due to the re-development of the site. He adds that the offices are pre-fabricated and are required to provide the applicant with 'stop gap' accommodation whilst the renovation of other existing offices are completed. These consist of the two storey office building at the entrance to Hellaby Industrial Estate, off Denby Way, which the applicant has recently signed a 25 year lease on. The proposal is for the temporary period of 12 months, which it is anticipated will be adequate time to ensure that the proposed move can take place.

In terms of the 6 storage containers, 4 are located immediately adjacent the southern elevation of the sports pavilion, one is situated adjacent the rear boundary of no.120 Wickersley Road and the other to the south west corner of the proposed temporary offices. The applicant has indicated that the storage containers are used in connection

with the office use and will be removed when their temporary occupation of the site ceases.

The applicant has indicated that the existing Sports Club building could not be used for its original purpose due to a lack of investment by the past owners requiring total renewal of electrical and other services, and total refurbishment. The applicants, Hotel Van Dyk Ltd, are not able to use the existing building as temporary offices due to the costs involved. The applicant notes that the existing building's future use will be decided over the next 12 months.

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 June 2018).

The application site is allocated as Green Space in the adopted Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy
CS22 Green Space
CS28 Sustainable Design

Sites and Policies policy
SP 38 Protecting Green Space
SP55 Design Principles

Other Material Considerations

National Planning Policy Framework: The NPPF has been revised and came into effect on July 24th 2018. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

Publicity

The application has been advertised by way of a site notice and letters to immediate neighbouring properties. Letters have been received from the occupiers of 48 nearby properties and a separate objection from Councillor Albiston. The objections are summarised as follows:

- Cabins are an eye sore, located without consent. Sited in preparation to develop the overall site for housing and aren't temporary as described in the application
- Wildlife, trees and shrubs in the field have been lost
- The application is for 5 separate cabins there are others on site
- Security lights are on all night shining into residents' bedrooms
- The pitches are designated green space and not a site for residential development

- Perimeter fencing has been erected around the pitches
- Will impact on traffic on already congested roads
- Cabins cause a fire risk to the adjacent building and hedge boundaries
- The siting of the cabins has necessitated the destruction of green space , trees, hedges and wildlife.
- The cabins have been erected for use as site offices for the development of the field.

Four local residents and Councillor Albiston have requested the Right to Speak at the Meeting.

Consultations

RMBC (Environmental Health) – No objections

RMBC (Transportation) – No objections

Appraisal

In considering this application the main issues for determination are:

- Principle of development
- Visual impact of the development
- Impact on neighbouring amenity
- Highways issues
- Other matters

Principle of development

The application site is located within the grounds of an existing vacant sports club site and is allocated Green Space within the Council's adopted Local Plan. The proposed offices and storage containers are situated on an area of hardstanding previously granted planning permission under RB1986/1340 for extensions and alterations to sports/ social club and an extension to the car park area. A further permission (RB2012/1608) has also previously been granted to form an additional parking area.

Local Plan Policy SP 38 Protecting Green Space states that existing green space, including open space, sports and recreational land, including playing fields, as identified on the Policies Map or as subsequently provided as part of any planning permission, should not be built on unless

(a) an assessment has been undertaken which has clearly shown the open space, sports and recreational land to be surplus to requirements and its loss would not detrimentally affect the existing and potential Green Space needs of the local community. The assessment will consider the availability of sports pitches, children's play areas and allotment provision, to determine existing deficits and areas for improvement; 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 and facilities of appropriate scale and type needed to support or improve the proper function of the remaining Green Space in the locality, the needs for which clearly outweigh the loss.

Paragraph 97 of the NPPF states “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless (a) an assessment has been undertaken which has clearly shown the open space, buildings or land 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 benefits of which clearly outweigh the loss of the current or former use’

The application being considered is for the temporary use of land for the siting of offices and storage containers. The applicant has indicated they are required for a 12 month period to allow for more permanent office accommodation to be completed at Hellaby.

Both the hardstanding and recreation field are allocated as Green Space in the adopted Local Plan. Whilst the applicant has failed to address the specific requirements of Policy SP38, as the permission is only required on a temporary basis until alternative office accommodation at Hellaby has been refurbished, it is not considered that the proposed development would be contrary to the principles of the Policy.

As such the proposal is considered acceptable in principle on a temporary basis.

Visual impact of the development

Sites and Policies Policy SP 55 Design Principles states all forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions

Core Strategy Policy CS28 ‘Sustainable Design,’ requires 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

The NPPF notes at paragraph 124 that ‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’

Paragraph 127 of the NPPF states Planning policies and decisions should ensure that developments (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and (f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 states “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 Policy Guidance further notes that “Development proposals should reflect the requirement for good design set out in national and local policy. Local Planning Authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations. The NPPG further goes on to advise that: “Local Planning Authorities are required to take design into consideration and should refuse permission for development of poor design.”

The proposed offices consist of 5 inter locked pre-fabricated timber porta cabins with painted white plywood walls, a flat roof structure with an overall size of 18m x 9m and are located within the car park area, along with 6 separate storage containers. They are not visible from Wickersley Road itself and are partially obscured from view by the pavilion form the playing fields to the west, and from neighbouring properties on Wickersley Road and Stag Willow Close by existing boundary hedges/trees. The applicant has indicated that the offices and storage buildings will be required for a maximum 12 month period and whilst they are of utilitarian appearance, it is not considered that they have a significant detrimental impact on nearby residents. They would not be acceptable on a permanent basis though it is considered that they would be acceptable on a temporary basis, as proposed.

Impact on neighbouring amenity

With regards to the impact of the access on neighbouring amenity, the access serves the currently vacant sports club site. The applicant has indicated that the proposed use of the buildings as offices is for the benefit of 6 members of staff. The applicant has indicated that visitors would be infrequent, perhaps 1-6 per week and based on the limited size of the offices and number of staff working there, it is not envisaged that many other persons would be attending. It is considered that the additional vehicle movements from staff / visitors attending the offices and from the actual use of the offices would not have any impact in terms of loss of residential amenity to the occupiers of any of the immediate neighbouring properties.

RMBC (Environmental Health) have been consulted and have not made any objections in terms of loss of amenity by virtue of noise, air quality or land pollution impact.

Highways issues

Neighbours have commented that the development will impact on traffic on already congested roads. However, the applicant has indicated that only 6 staff will be working full time within the offices and there is provision for 10 car parking spaces and ample car turning space within the site. RMBC (Transportation) have been consulted and have raised no objections and based on the limited number of persons attending the offices, and bearing in mind that the existing sports club site is not currently in operation, it is not envisaged highway safety would be an issue.

Other matters

Neighbours have also raised the following concerns:

The cabins have been sited in preparation to develop the site and aren't temporary as described in the application.

The applicant has explained why the temporary permission is required, and notes that the offices are not directly required in connection with any potential residential development of the site. The granting of a temporary permission of 12 months would require the offices be removed after this period. Enforcement action could be taken should the offices remain in situ after this time period.

Wildlife, trees and shrubs in the field has been lost.

The application is for the temporary use of land for siting of offices. The offices are located on an area of existing hardstanding associated with the sports pavilion and not within the area of the field adjacent. Whilst it is understood that a number of trees and shrubs have been removed this does not form part of the application under consideration and is not within the red line site boundary. The trees and shrubs were not statutorily protected and any loss of wildlife would be dealt with under separate legislation.

Cabins are used to facilitate development of fields. The pitches are designated green space and not a site for residential development

As stated above, the applicant has explained why the temporary permission is required, and notes that the offices are not directly required in connection with any potential residential development of the site. Any development of the playing fields would require planning permission and is not a material consideration in the determination of this application. A separate application has recently been submitted for the residential development of the fields and will be considered on its own merits.

The application is for 5 separate cabins but there are others on site.

The applicant has indicated that the 6 additional cabins are used for storage purposes in relation to the office use and will be removed from site once the temporary permission expires. They have been included in the description of the development and are being considered as part of this planning application.

Security lights are on all night shining into residents' bedrooms.

This would not be a material consideration in the determination of the application and can be addressed through Environmental legislation. The applicant has indicated that the security lights are operated on a movement sensor. They are required as there has already been an attempt to break in to the offices and they are only lit when disturbed. The applicants will adjust the lights to ensure that they cause minimum disturbance.

Perimeter fencing has been erected around the pitches.

Fencing has been erected around the pitch that does not require planning permission. The fencing does not form part of the application under consideration.

Cabins cause a fire risk to the adjacent building and hedge boundaries.

There is no specific evidence that this is the case. Fire risk would be assessed under Building Regulations.

Conclusion

Having regard to the above considerations, it is considered that the temporary use of land for siting of the offices and storage containers at the site is justified as it would allow more permanent accommodation to be provided at a site in Hellaby, at which point the cabins would be removed. Whilst visually the offices would not be acceptable on a permanent basis in this location, they are considered acceptable on a temporary basis, and it is not considered that the use would have a detrimental impact on neighbouring amenity or highway safety.

In view of the above it is recommended that planning permission be granted.

Conditions:

01

This permission shall be valid for 12 months only and by the end of that period, or within 1 month of the cessation of the use of the office facilities (whichever is the sooner) all the temporary offices and storage containers shall be wholly removed from the site.

Reason

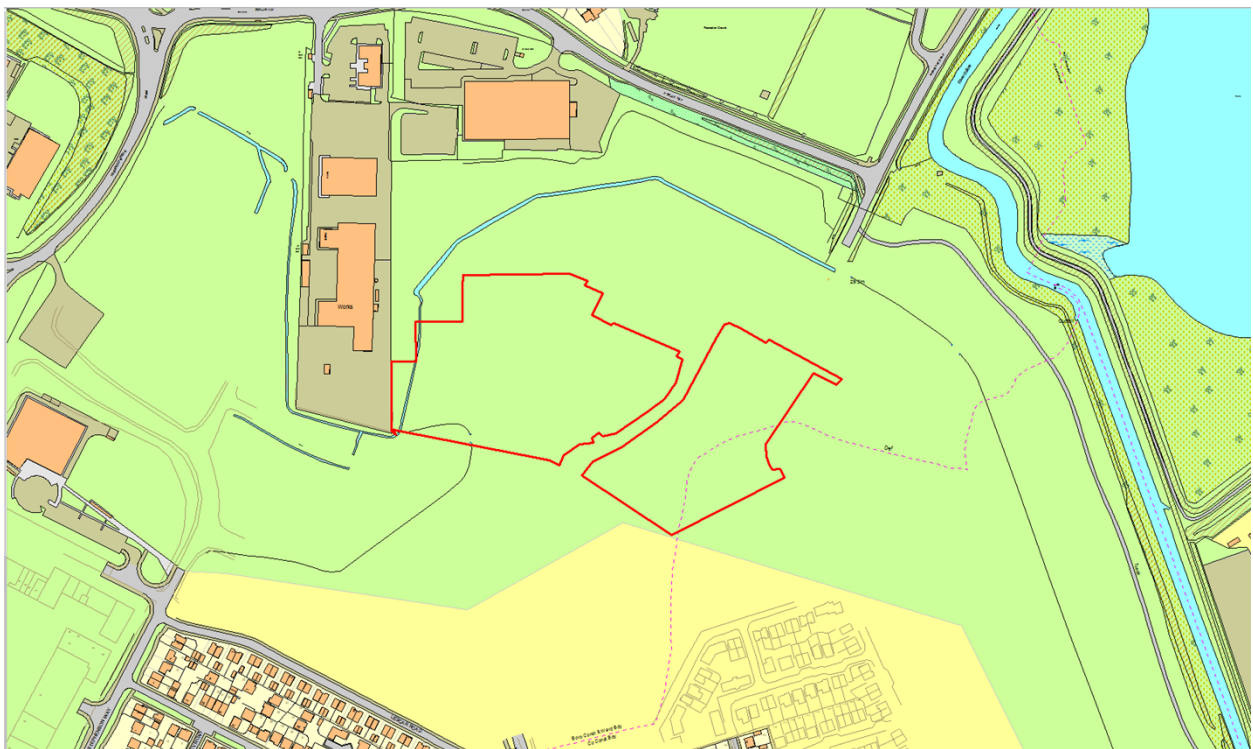
The site is not considered suitable for the permanent siting of offices or storage containers due to the allocation of the site as Green Space and to the utilitarian appearance of the structures.

POSITIVE AND PROACTIVE STATEMENT

The applicant did not enter into any pre application discussions with the Local Planning Authority. Discussions during the determination of the application have identified that it is possible to support a scheme of this nature for a temporary period only.

Application Number	RB2019/0220
Proposal and Location	Reserved matters application (details of appearance, landscaping, layout and scale) for the erection of 177 No. dwellinghouses - phase 2D (reserved by outline RB2017/0743) at Phase 2D, Waverley New Community, Land off Highfield Lane for Barratt David Wilson Homes
Recommendation	Grant subject to conditions

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



Site Description & Location

The site forms part of the wider Waverley New Community and comprises of a parcel of land known as Phase 2a. The site extends to 4.79 hectares and is bisected by the re-aligned Highfield Lane which is the access main road through the site.

Land immediately to the south of the site will form the northern boundary of Highwall Park, whilst land to the west abuts the recently formed noise bund which was created to screen the site from the adjacent industrial development, known as Foers. Sites to the north and east are further development platforms and will be subject to future applications for residential development.

Background

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

number of planning applications have been submitted for the reclamation and remediation of the site.

Following completion of the remediation works, a number of applications were submitted relating to a new community, the relevant ones are listed below:

- RB2008/1372: Outline application with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting). - GRANTED CONDITIONALLY on 16/03/2011
- RB2017/0743 - Application under Section 73 for a minor material amendment to vary conditions 2, 3, 4, 6, 7, 8, 14, 16, 22, 24, 37 & 39 imposed by RB2015/1460 (Outline application for Waverley New Community) which relate to the Masterplan Development Framework and Principles Document, floorspace limits of none residential use classes and highway improvement works – Granted Conditionally 05/12/2017
- RB2017/1591 - Reserved matters application (details of scale, access, external appearance and layout) for the erection of 220 residential dwellings (reserved by outline RB2017/0743) – Granted Conditionally 25/01/2018
- RB2018/0682 - Enabling infrastructure comprising engineering operations and earthworks to level the site to form development platforms, the excavation of a swale, the installation of pipe work for surface water and foul drainage, the construction of an extension to Highfield Lane linking to Orgreave Road and the provision of structure landscaping – Granted Conditionally

In addition to the above, a number of Reserved Matters applications have been submitted and subsequently approved amounting to 1,171 dwellings

Proposal

The application is for the approval of reserved matters for part of the scheme approved under outline permission RB2017/0743, for Phase 2d of the wider Waverley development. The design of this phase of development is subject to the design code approved for the Waverley Gate Character Area. All matters were reserved at the outline stage and this application seeks approval for details relating to access, appearance, landscaping, layout and scale.

The proposed layout identifies the provision of 177 new dwellings. The scheme will be developed with an overall density in the range of 37 units per hectares (gross). The net density is 42 dwellings per hectare.

The development would provide a mix of 1, 2, 3 and 4 bedroom properties which will range from terraced to semi-detached and detached dwellings and 2 separate blocks of apartments.

This comprises of:

- 6 x 1 bed
- 13 x 2 bed
- 57 x 3 bed
- 101 x 4 bed

Of these dwellings, 31 will be allocated for affordable purposes which equates to a provision of 17.7% on site. These affordable units are broken down as follows:

- 6 x 1 bed
- 12 x 2 bed
- 13 x 3 bed

On the whole, dwellings are generally 2 storeys in height across the application site, however in key areas these are increased to 2 ½ and 3 storeys along Highfield Lane and the western boundary.

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

Planning Statement considers the proposals in line with local policy and government guidance and concludes by stating that “It is considered that this revised reserved matters planning application is in full conformity with the outline approval and that the appearance, layout, scale, mix, landscaping and access are appropriate in the context of the wider Waverley New Community.”

Design and Access Statement provides information relating to the design evolution and rationale behind the development and how it complies with the Waverley Gate Design Code taking account of the relevant national and local planning guidance and policy.

Ecological Checklist confirms that the site has been continuously monitored for protected/notable species in accordance with the Site Biodiversity Action Plan. Surveys for breeding birds have been undertaken throughout the 2018 breeding season. Winter bird surveys were undertaken during 2017/2018 survey period. Furthermore, clearance works have been undertaken as recommended within the AES-LTD Extended Phase 1 habitat survey report.

Noise Assessment provides an assessment of the impact of existing industrial operators on the living condition of future residents. It concludes by stating “the proposed development is not expected to have a ‘significant adverse impact’ on health or quality of life and it is considered that all ‘adverse impacts on health and quality of life’ (relating to noise) are mitigated by the use of appropriate mitigation.”

Air Quality Assessment and Mitigation Statement confirms that an assessment of the potential dust impacts during the construction of the development has been undertaken together with proposals for mitigation once the development is complete. These mitigation measures include the provision of electric vehicle charging points to most individual dwellings and 1 per apartment block. As a result it is not considered that air quality represents a material constraint to the development proposals, which conform to

the principles of National Planning Policy Framework or Planning Practice Guidance, and the policies of the Rotherham Core Strategy

Transport Assessment assesses the impact of the proposals on the local highway network and concludes by stating “It is demonstrated that no mitigation will be required to deliver the Waverley Phase 2D site and that there are no traffic grounds to withhold consent for the proposed development.”

Development Plan Allocation and Policy

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

The application site is allocated as a special policy area (SPA1 Waverley New Community) in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy Policies

- 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’

Sites and Policies

- SP14 ‘Waverley New Community’
- 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’
- 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. No letters of representation have been received.

Consultations

RMBC - Transportation Infrastructure Service – have assessed the proposals in line with relevant policies and guidance and consider the development to be acceptable subject to the imposition of conditions.

RMBC - Landscape Design – have assessed the proposals in line with the approved Design Codes and confirm that subject to appropriately worded conditions no objections are raised.

RMBC – Drainage – raise no objections to the proposed development subject to conditions requiring the submission of an amended flood routing plan.

RMBC - Affordable Housing Officer – are satisfied that the proposals meet the required amount of affordable housing provision for this phase and the house types proposed meet current need in the area.

RMBC – Environmental Health (Noise) – welcome the physical mitigation that has been provided along the western boundary of the site and within the premises of the adjacent industrial premises. The results of the submitted Noise Assessment have been appraised and whilst they are accepted, it is recommended that further noise monitoring is undertaken prior to the occupation of identified plots.

RMBC - Environmental Health (Air Quality) – welcome to the provision of electric vehicle charging points and on that basis raise no objections to the proposed development.

Yorkshire Water – do not wish to comment on the application.

The Coal Authority raise no objections to the proposed development.

South Yorkshire Police – are generally supportive of the proposals but recommend that the development is built to Secured by Design Standards.

South Yorkshire Fire and Rescue – confirm that the proposal appears to be satisfactory in respect of Fire Service access to the new building, which should comply with the Building Regulations 2010, Approved Document B5 Access and Facilities for the Fire Service. South Yorkshire Fire and Rescue is keen to promote the benefits of sprinkler systems to protect lives, property and the environment. As such it is recommended that this is allowed for when determining the water supply requirements for the site.

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 site has planning permission for residential development as part of a wider mixed use outline planning permission that was originally approved in March 2011 under outline application RB2008/1372 and has been renewed in April 2013 under application RB2012/1428, again in September 2014 under RB2014/0775, again in December 2015 under RB2015/1460 and finally in January 2018 under RB2017/0743. The principle of residential development has therefore been established and is considered to be acceptable.

The main considerations in the determination of the application are:

- Design and layout
- Impact on neighbouring amenity
- Compliance with the Design Code
- Highway Safety and Transportation Issues
- Flood Risk and drainage
- Landscaping, Green Infrastructure Provision and Ecology
- Noise and Air Quality Considerations
- Affordable Housing
- Planning Obligations

Design and layout

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 application site forms Phase 2d of the wider Waverley development and is located immediately to the north of the planned Highwall Park. The site is bisected by Highfield Lane which is in the process of being reinstated by the landowner. The layout comprises a mix of apartments, terraced, semi-detached and detached dwellings. The properties are proposed to be 2, 2 ½ and 3 storeys in height.

The layout of this phase of development follows the general principles set out in the masterplan and approved Waverley Gate Design Code in that it incorporates key frontages along Highfield Lane and Highwall Park and respects the continuous frontage with few gaps along the western boundary.

The Highfield Lane frontage forms the main connection between Waverley Gate and the other phases of the Waverley New Community. A continuous frontage has been incorporated in to the layout within this area which provides a contrast to the internal streets which have been designed to be more flexible in terms of their layout.. The character of the Highfield Lane is defined in the approved Design Code as:-

- Regular and continuous frontage enclosure.
- Little variation, recurring pattern/ principle, generally symmetric.
- Vertical emphasis in general, extra height/scale/feature giving emphasis to corner blocks.
- Simplicity in form, material, detailing. Limited palette creating a uniform appearance.
- 'Bookend' units to frame the street

In response to this, the submitted layout plan shows a consistent building line with a continuity of frontage. There are minimal gaps between dwellings and where these are

present they are utilised to provide side driveways and accesses which will remove vehicle parking from the frontages and as a result provide a more attractive setting.

A mix of accommodation is proposed from apartments to townhouses and detached dwellings. The use of differing storey heights which include 2 ½ and 3 storeys in key areas are also welcomed as they assist in providing bookends and frame the street scene. Furthermore, the use of a 3 storey apartment block entering the parcel at the southern boundary accords with the Design Code and will help to frame this parcel of development when viewed from Highwall Park and beyond.

Having regard to the southernmost boundary, this is known as the Parkside Edge and is the main interface with Highwall Park. The Design Code requires the provision of an informal villa typology which will address the park whilst also providing a continuous frontage enclosure to the edge. The character of the Parkside Edge is further defined as:

- Irregular and informal typologies with emphasis to the landscape.
- Large variation between units. Simplicity in form, material and detailing. Limited palette creating a uniform appearance.

The submitted site layout plan shows a range of accommodation from 3 storey apartment blocks to 2 storey detached dwellings along this interface and where dwellings are located on corner plots every effort has been made to include house types that provide 2 principal elevations. A fragmented building line has been provided in this area which has assisted in achieving the irregular and informal typologies required by the Design Code.

The western boundary of the site is known in the Design Code as the Green Edge. This boundary abuts the existing industrial businesses beyond. A noise bund has previously been formed by the landowner and will be landscaped to provide an attractive setting for future residents. The building frontage in this area is also required to be designed to help attenuate any noise generated by those units. Accordingly, a strong linear frontage with minimum gaps is required with a minimum height of 2 storeys. Whilst the Green Edge frontage is featured in the Design Code, only the massing and scale are coded. The architecture and appearance have a more flexible approach with a variation of styles and materials. The submitted layout shows a range of accommodation from a 3 storey apartment block to 2.5 storey semi detached dwellings and 2 storey townhouses. A flat over a garage unit provides additional accommodation over the garages for adjoining plots. A consistent building line has been maintained whilst accommodating highway requirements of turning areas and private drives. There are minimal gaps between dwellings to provide noise attenuation with dwellings orientated to face the bund. The layout is therefore considered to be acceptable in this location and accord with the requirements of the Design Code.

Finally, turning to the internal streets, these comprise generally of detached and semi detached dwellings with a small amount of terraced properties, all being two storeys in height. A small area of open space is provided towards the northern boundary of the site with dwellings fronting onto it on all four boundaries which will provide an adequate level of natural surveillance.

The design of the dwellings and apartment blocks are representative of dwellings built previously at Waverley New Community and the use of red and buff brickwork together

with regard to key plots are considered to be appropriate material choices for this phase of development.

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

Impact on neighbouring amenity.

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 proposed residential units on this phase of development comprise of a mixture of 1, 2, 3 and 4 bedroom dwellings and apartments which are 2, 2 ½ and 3 storeys in height. The site is not located adjacent to any existing properties, however it is acknowledged that land to the north and east are reserved for future development.

With regard to the impact of the proposal on the amenity of future residents of this development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 62sqm for 2 bed properties, 77sqm for 3 bed properties and 93sqm for 4 bed properties. All of the house types proposed have been designed to adhere to these space standards and each dwelling will have private rear gardens and be within easy reach of the wider open space adjacent the lakes, together with Highwall Park (once completed) and the small area of open space planned within this application site. Adequate space about dwelling distances have also been achieved in line with the guidance in order to ensure that amenity value is high for residents with no potential for overshadowing or loss of privacy.

It is acknowledged that the proposed apartment blocks do not benefit from any amenity space; however this plot of land forms part of the wider new community which has a planned green infrastructure strategy aimed to deliver many recreational and ecological benefits. The first phase of open space regeneration within Waverley Park (land to the south of the wider site) has already commenced and within the new community, open space provision will complement and enhance the built form. In excess of 105ha of the site is located within the Green Belt and together with Highwall Park, planned to be located immediately to the south of the site, the total area dedicated to open space exceeds 116ha. All of these areas are or will be within an acceptable walking distance to this proposed plot of land and as such it is considered to be a sufficient amount and nature to negate the need for planned allocated amenity space for the residents of the proposed apartments.

Having regard to all of the above and on balance, it is considered that the amended layout and proposed dwellings would conform with the advice guidance set out in the SYRDG and paragraph 17 of the NPPF.

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

The Master Plan Development Framework and Principles Document was submitted and subsequently approved to replace the previously approved Design and Access Statement under ref: RB2017/0743. This document clarifies the changes proposed to the next phase of development and explains how it ties in with the wider new community scheme. Included within this document is a chapter providing details of land use, which states that 'the development will provide a mix of dwellings in terms of size and tenure to meet local needs. The overall indicative mix for private market dwellings will include 1 and 2 bed apartments through to 4 and 5 bed family houses. The mix responds to local market conditions as well as achieving a development appropriate and responsive to the immediate context'. The proposed development at Phase 2d includes a mix of house types in accordance with this requirement, including 1, 2, 3 and 4 bed dwellings and apartments.

Other chapters include details on 'Massing' and 'Character Areas'. This Phase of development falls within the Waverley Gate character area which identifies the density of this area to be between 35 to 55 dwellings per hectare and confirms that 'The site will predominantly contain a mix of 2, 2.5 and 3 storey dwellings'.

The height of the proposed units range from 2 to 3 storeys in height with the majority of the 3 storey units being located around in key areas. The use of these units assist in the provision of primary frontages as required by the Masterplan Framework document and as such creates a strong perimeter structure. The proposed development comprises a range and mix of dwelling types including family detached and semi-detached properties, as well as terraced houses and apartments. The proposed development has a net density of approximately 42 dwellings per hectares which is compliant with the outline permission and the subsequent approved Waverley New Community Masterplan Framework and Principles Document (September 2017) which highlights a density of dwellings between 30-60 dwellings per hectare.

The design code for this phase of development was submitted in response to the requirement of Condition 3 of the outline approval (RB2017/0743). This document provides a set of parameters which any detailed design proposal within these phases must adhere to. It sets out essential elements that must be delivered to implement the masterplan and are intended to be a mechanism to coordinate the implementation of different elements within the development and provide a framework for the entire site.

The applicants have prepared a design and access statement which amongst other things sets out how the development accords with the rules and parameters set out in the Design Code. As previously stated the proposed layout incorporates a primary frontage and respects the character of the Highwall Park, Highfield Lane and the Green Edge. The layout also responds to the requirements in the code with respect to building lines, scale, architectural style, materials, boundary treatment and street widths.

Additionally, the layout identifies different street types including the use of landscaping features and pedestrian links as identified in the Design Code. The street scenes and separation distances between residential dwellings accord with the parameters of the approved Design Code and use of strong frontages along the perimeter to ensure that the proposed development is in full compliance with the rules and parameters of the approved Design Code for this Phase of development and the overriding Master Plan Development Framework and Principles Document.

Finally, the Master Plan Development Framework and Principles Document identifies a key space within the application site which is recognised as Key Space G. This is principally an area of open space which will form a community focus and amenity space within the Waverley Gate character area and will act as an orientation space within the wider master plan. The submitted layout responds to this requirement and provides a landscaped area of open space together with the provision of a children's play area.

Having considered all of the above it is considered that the proposed development is in compliance with the approved Master Plan Development Framework and Principles Document together with the subsequent Waverley Gate Design Code.

Highway Safety and 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.”*

A Transport Assessment (TA) was submitted in support of the original outline application which analysed traffic movements associated with the proposed new community on the local and strategic network and set out trigger points for improvements to various junctions around the site. The TA demonstrated that all existing and proposed junctions will operate safely whilst there is sufficient capacity within the network to accommodate any traffic generated by the proposals and these findings are accepted. It is therefore considered that the proposals would not result in harm to highway safety, subject to conditions.

A Travel Plan was submitted and subsequently approved as part of the outline planning application. This includes a range of measures to be incorporated into the overall design to encourage the use of sustainable modes of transport. It seeks to:

- Employment of a Travel Plan Coordinator
- Provision of Real Time Information Systems in apartment blocks and strategic locations across the site.
- Provision of Car Club facilities (min 2 cars) within the site and free membership for all occupants for the first year of their occupation.
- Travel Packs shall be issued to residents on the purchase of homes at the site.
- Subsidised Bus Fares - On first occupation each household to receive free an annual SYPTTE Developers Travel Mastercard

It is considered that these proposals are acceptable, and should be subject to monitoring and review, in order to ensure their effectiveness and identify any further action/measures.

Turning to the issue of car parking provision, all properties have in curtilage provision in the form of driveways and integral or detached garages consistent with the Council's minimum standards for 1, 2, 3 and 4. This is with the exception of the apartments whose parking is located within designated parking courts adjacent to their respective blocks. Further visitor parking is proposed in planned laybys adjacent to Highwall Park which will serve visitors to the apartment blocks and this strategic area of green space. All parking provision accords with the Council's guidance which is contained within the

document entitled 'The Council's Parking Standards (approved in June 2011)'. The development is therefore considered to be acceptable in this regard.

In general, the site has good access to public transport and local facilities, being within easy walking distance to existing and future bus stops located Highfield Lane. Additionally, residents have the benefit of taking advantage from measures within the Waverley Travel Plan which seeks to promote more sustainable travel.

Taking all of the above into consideration, it is considered that this proposed reserved matters application has had regard to the principles approved as part of the outline permission and the proposed layout has been designed in accordance with the guidance set out in the South Yorkshire Residential Design Guide. For these reasons it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with Policies CS14 and SP26 and guidance within the NPPF.

Flood Risk and Drainage

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.”*

An Outline Surface Water Strategy Report was submitted as part of the outline application for the entire Waverley site and a Flood Risk Assessment Report has been submitted in support of this Reserved Matters application.

This Report has been prepared to address a condition of the outline permission which requires the development to be carried out in accordance with the approved Outline Surface Water Strategy. The report confirms that the site falls within land assessed as having less than a 1 in 1000 annual probability of river or sea flooding in any year (less than 0.1%), therefore all uses of the land are appropriate within this zone but an assessment of the effect of surface water run-off will need to be incorporated in any Flood Risk Assessment.

In support of this application, details relating to the proposed drainage of the site, together with storm sewer designs have been submitted. These plans have been scrutinised by the Council’s Drainage Engineers who have confirmed that they are acceptable, however the flood routing plan requires further investigation prior to the commencement of development. The submission of this amended information can however be secured via a suitably worded condition.

Landscape, Green Infrastructure Provision and Ecology

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 proposals are for a further phase (2d) of residential development. This development parcel falls within the Waverley Gate Character area for which there is an approved Design Code. The proposals include the erection of 177 dwellings including houses and apartments along with the creation of an area of public open space. The Masterplan Framework & Principles document sets out that this is Key Space G and that it should include for children's play area with an imaginative design. The Design Code for Waverley Gate sets out broad instructions for street hierarchies and the general approach to street trees and landscape provision. The landscape treatment along Highfield Lane is to be secured via the infrastructure application and will be delivered by Harworth. Accordingly, it is not included in this application.

The applicant has confirmed that the submitted landscape strategy is based on a Green Infrastructure devised as an integral part of the layout of the development which has evolved through the outline approval and subsequent Design Code for Waverley Gate.

Key Space G provides space for informal play and seating. The design introduces a raised terrace area and sculpted earth mounding to provide a sense of enclosure. The space has been designed to have play value in the landscape features which include the footpaths, steps and grass banks which will be used for play and exercise. In addition 2 pieces of formal play equipment are to be installed with rubber crumb safety surfacing.

Generally, the landscape proposals are considered to be in line with the approved design code and masterplan framework. The public open space design with the exception of the play provision is also acceptable. However the Council's landscape architect has a number of concerns which relate to the following:

1. The play provision within public open space (Key space G) is of limited play value and should be amended to include the addition of sliding and climbing elements as a minimum.
2. It is also suggested that measures to allow maintenance access and prevent unauthorised access to the open space via the southern boundary of the public open space be included, this could take the form of a hedgerow extension and maintenance gate.
3. Tree planting to the Public Open Space areas be a minimum of 18-20cm girth.

Having regard to these points it is acknowledged that some minor amendments are required to the play provision and accessibility of Key Space G, however the remaining planting proposals are considered to be acceptable and able to provide for a range of planting types, capable of enhancing the character of the area. Accordingly it is considered that the above amendments can be secured via a suitably worded condition and subject to these amendments being incorporated into the future design of the open space the proposed development will be fully in accordance with policies CS19 "Green Infrastructure", CS21 'Landscapes' and SP32 'Green Infrastructure and Landscape' together with the Waverley Gate Design Code.

Noise and Air Quality Considerations

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."*

Taking the above into consideration, a Noise Assessment has been submitted in support of the application which is also a requirement of the outline planning consent.

With regard to this area of the Waverley site, Noise Assessments have been undertaken previously and submitted to inform the masterplanning strategy and support a planning application for the construction of a noise bund and erection of 3.5m acoustic fencing along the western boundary of the site (Planning Application Ref: RB2018/1335). This was considered necessary to mitigate against existing noise sources emanating from the industrial premises (Foers) further to the west.

The Noise Assessment which accompanied the bund application concluded that with suitable mitigation within the site, noise is not expected to have a 'significant adverse impact' on health or quality of life whilst not resulting in any existing business having unreasonable restrictions placed on them as a result of the development. "

The recommended mitigation measures, were detailed as follows:

- First tier of proposed dwellings along the western boundary of the site to 'front on' towards Foers with gardens positioned to the rear.
- Mitigation including an appropriate glazing and ventilation strategy to meet the BS 8233 / WHO criteria for internal habitable spaces.
- The installation of a 2.5m earth bund and 3.5m acoustic fence on top along the western boundary (As approved).

Justification was provided within the report to demonstrate that any significant adverse impacts would be appropriately mitigated including the context of how the adjacent industrial units operate. However, the Council remained concerned regarding the noise impact of Foers, particularly with regard to the extraction system and the chomper. Suggestions were therefore made to the applicant to consider approaching Foers to mitigate noise at source.

Accordingly, a specialist industrial acoustic design consultancy who have experience in controlling noise from plant including dust extraction systems, were commissioned to investigate options to control noise at source at Foers with regard to the extract and chomper plant, which are the principal sources of noise from this premises. Site visits were undertaken and as a result, the following noise control measures have been installed based on the recommendations:

1. Installation of an aerodynamic insert on the dust extraction system external fans which specifically has reduced the fan noise at the blade passing frequency resulting in a broadband noise spectrum.
2. Installation of a 1.5m GRAMM absorptive noise barrier at ground level along the length of the plant including the chomper housing. The purpose of this barrier is to attenuate noise from a low level duct and fan which are the main sources of noise when the chomper is in operation.

The updated noise survey which now accompanies this application for residential development was undertaken on 28th March 2019 and was carried out with the following mitigation measures in place:

- 2.5m bund and, within Foers,
- the installation of the dynamic fan inserts and
- the 1.5m GRAMM barrier.

Having regard to the results of the noise monitoring work following the implementation of mitigation works, the submitted Noise Assessment concludes by stating "the proposed development is not expected to have a 'significant adverse impact' on health or quality of life and it is considered that all 'adverse impacts on health and quality of life' (relating to noise) are mitigated by the use of appropriate mitigation.

With specific regard to Plot 2D (this application), the Noise Assessment further confirms that mitigation has included providing noise control at source with regards to the extraction plant and chomper at Foers and a barrier (2.5m bund and 3.5m acoustic fence) along the western boundary of the site. It is predicted that standard double glazing (e.g. 4mm/16mm/4mm) will be acceptable throughout the site with alternative ventilation required for some living rooms and bedrooms. As there is only a slight exceedance above the BS 8233 criteria when windows are open, it is considered that alternative ventilation provided by trickle vents with a minimum specification of 32 dB

Dn,e,w will be acceptable. Based on the assessments undertaken it is not considered that any existing businesses wanting to develop would be restricted by the proposals.”

The Council’s Environmental Health department have been heavily involved in discussions relating to the scope of works needed to address previous concerns that existing industrial operations taking place on the Foers site may have the potential to adversely impact on future residential amenity. The external noise environment at this site, due to its proximity to industry and transport noise is not ideal for residential development. That said, it is not unusual for sites in similar locations to be considered for residential development. In this case the Lowest Observed Adverse Effect Level (LOAEL) noise target for external LAeq,16hrs is predicted to be exceeded on 15 plots after all proposed works of external mitigation have been completed.

This external noise environment is then predicted to create an internal noise environment, which exceeds the LOAEL and the Significant Observed Adverse Effect Level (SOAEL) (same level) with windows open at 15 plots during the day time and 98 plots at night time with windows open. The provision of acoustic trickle vents is predicted to reduce internal noise levels in all cases to below action levels. This requires residents to ventilate without opening windows to achieve acceptable noise levels.

The modelling predicts an external noise environment which is not extreme and the level of exceedance in daytime is within 3dB, however of the 98 plots exceeding night time levels, 15 plots are in the range of 3-6 dB above target levels with windows open. Having regard to the number of proposed dwellings, the subjective nature of individual’s reaction to noise and the potential for future variations in the character of the noise from the industrial site, concerns remain that the council may receive noise complaints from future residents of this site, especially at night in warm weather. It is however acknowledged that Foers do not currently operate 24 hours per day but there are no planning restrictions limiting them to daytime working only, therefore a worse case scenario has been presented.

The Author of the Noise Report has stated that the industrial point noise sources have been attenuated on site, to achieve Best Practical Means. The noise bund and acoustic fence design has also been optimised. It is therefore unlikely that further external mitigation is possible. Accordingly, and having regard to the possibility of future noise complaints from this site, even if the predicated noise environment is achieved, it is recommended that on site verification of the modelling is carried out once the acoustic fence is completed, to ensure that actual external noise condition are as predicted.

Any significant increase in onsite noise levels which exceed the SOAEL (55dB) should trigger a further review of the mitigation. In addition, following construction, further verification monitoring should be undertaken at the 15 most effected plots, to ensure that predicted internal noise levels have been achieved with windows closed. Any planning condition should require a commitment from the developer to improving attenuation in any failing properties, by retro-fitting more effective ventilation/ glazing if the actual noise levels exceed the predicted levels

Having regard to the above and subject to appropriately worded conditions, it is considered that whilst the external noise environment at this site is not ideal for residential development, further mitigation can be implemented in the form of specialist glazing and ventilation methods if the actual noise levels do not meet those as predicted in the noise assessment. On balance therefore and with the additional noise monitoring

being secured via appropriately worded planning conditions, the proposed development is acceptable and in accordance with the provisions of policies CS27 'Community Health and Safety' and SP52 'Pollution Control'.

Turning to the issue of Air Quality, the Government has named Rotherham as one of 23 areas in England where concentrations of Nitrogen Dioxide (NO₂) exceed statutory limits and are projected to continue to do so over and beyond the next 3-4 years. Rotherham MBC is a mandated Clean Air Zone authority and has been directed by the Secretary of State to produce and implement a plan for compliance with the statutory limits.

In particular, the Government's new [National Air Quality Plan](#) (NAQP) identifies a number of road corridors in the Sheffield and Rotherham area which are predicted to exceed the statutory limit on the annual average concentration of NO₂ by 2021, under a 'Business as Usual' forecast scenario. In particular, Defra's NAQP indicates breaches of the 40 µg/m³ limit on the A630 – A57 Parkway (from M1 J33 to the Sheffield boundary in Rotherham).

As access to the application site is via the A630 Parkway air quality must be considered as a material planning consideration. In this regard an Air Quality Assessment has been submitted in support of the application which acknowledges that outline permission exists for up to 3,890 dwellings on the Waverley site, however provides an assessment of impact for this application site.

A qualitative assessment of the potential dust impacts during the construction of the development has been undertaken and the report concludes that through good practice and implementation of appropriate mitigation measures, it is expected that the release of dust would be effectively controlled and mitigated, with resulting impacts considered to be 'not significant'.

There is no predicted risk of exceedance of the 1-hour mean NO₂ or 24-hour mean PM₁₀ AQOs as a result of the development proposals. As such, the overall effect is considered to be 'not significant'.

Notwithstanding the above, and in consultation with the Council's Air Quality Officer, it is considered that the provision of electric vehicle charging points within all properties with a garage or side driveway should be provided in addition to fast charging points located within the apartment parking courts. This will assist in delivering the Government's National Air Quality Plan and conform with the requirements of Policies CS27 'Community Health and Safety' and SP52 'Pollution Control' and the principles of the NPPF.

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 application includes the provision of 17.7% affordable housing, which is consistent with the outline consent for this phase of development (Phase 2) and equates to 31 units comprising of .6 x 1 bed, 12 x 2 bed and 13 x 3 bed. The size, siting and tenure of the housing is acceptable and is considered to be in accordance with the Council's Affordable Housing IPS.

Planning Obligations

Paragraph 204 of the NPPF notes that: "Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development and
- fairly and reasonably related in scale and kind to the development.

In this instance the planning obligations and their associated trigger points for their delivery were set as part of the approved outline permission (ref: RB2008/1372). These included the affordable housing provision, financial contributions towards education provision, delivery of green infrastructure and play areas, public transport and sustainable methods of travel.

This phase of development will result in the total amount of dwellings having detailed planning consent being 946 which will trigger the following obligations upon occupation of 915 dwellings:

- Local Equipped Area of Plan (LEAP)
- Local Area of Play (LAP)
- Youth Shelter
- Sum of £120,000 towards the cost of maintenance and improvement of 3 football pitches in Handsworth

Discussions have been ongoing between the landowner, Harworth and RMBC Planning Officers relating to the submission of a Design Brief for Highwall Park which will provide some of the obligations outline above prior to the 915 trigger point. Furthermore, Central Park has now been completed which accommodates the LEAP.

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 204 of the NPPF and are therefore considered to be acceptable and in full compliance with the requirements of the original S106 Agreement.

Conclusion

The principle of residential development on this site has been established under outline permission RB2008/1372, and renewed under RB2014/0775, RB2015/1460 and more recently RB2017/0743 and is therefore considered to be acceptable

The overall layout of the site offers an acceptable balance between achieving an efficient use of the land available as recommended in the NPPF whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. The design of the proposed scheme as a whole is considered to have regard to the approved Masterplan Framework and Principles Document and the Waverley Design Code whilst taking account of later phases of development.

A variety of house types and sizes have been provided with an appropriate level of affordable housing provision. The applicants have also specifically designed certain areas to create a varied street scene and utilised the use of effective boundary planting where appropriate.

There are no objections to the proposals from the Council's Transportation Unit. Internal layout geometries have been set out in accordance with the South Yorkshire Residential Design Guide and Manual for Streets. The provision of Travel Master Passes and the implementation of a Travel Plan will ensure varied means of non-car mode travel is available to future residents.

The application site is not located within a Flood Zone. A comprehensive Flood Risk Assessment and Surface Water Drainage Strategy were submitted and approved as part of the outline approval and detailed drainage plans have been submitted in support of this application. A condition regarding the submission of an amended flood routing plan is to be attached to any permission.

In terms of the landscaping within the site, the applicants have submitted a landscaping proposal to accompany the application. There are no objections to the proposed planting schemes.

Concerns were raised regarding the impact of the adjacent industrial operator on the amenity of future residents, however conditions requiring further noise monitoring and mitigation (if necessary) are considered to adequately safeguard the potential for future complaints.

The applicants have indicated that they intend to provide 17.7% affordable housing units (11 in total) across this phase of the development and have indicated that these will be in the form of 1, 2 and 3 bed units. This is in line with the approved percentage for the first phase of the wider development

Conditions

01

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

Reason

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

02

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

- Planning Layout Rev Q Ref: P18 5233 01 Rev Q
- Alderney AS Ref: BDW-STD-HT-1000
- Alderney OP Ref: BDW-STD-HT-1001
- Type 69 AS-OP Ref: BDW-STD-HT-1002
- Maidstone AS-OP Ref: BDW-STD-HT-1005
- Kingsville AS-OP Ref: BDW-STD-HT-1006
- Chester AS Ref: BDW-STD-HT-1010
- Chester OP Ref: BDW-STD-HT-1011
- Alverton FOG AS Ref: BDW-STD-HT-1018
- Brentford – Kingsville AS-AS-OP Ref: BDW-STD-HT-1021
- Type 69 AS-AS-OP Ref: BDW-STD-HT-1025

- Moresby AS Ref: BDW-STD-HT-1026
 - Kingsville AS-AS-OP Ref: BDW-STD-HT-1036
 - Apartment Laughton/Hornsea/Coleford Ref: BDW-STD-HT-1040
 - Maidstone (hipped) AS-OS Ref: BDW-STD-HT-2005
 - Moresby-Maidstone (hipped) AS-AS Ref: BDW-STD-HT-2007
 - Derwent Hipped AS Ref: BDW-STD-HT-2008
 - Derwent Hipped OP Ref: BDW-STD-HT-2009
 - Ripon Hipped AS Ref: BDW-STD-HT-2012
 - Rippon Hipped OP Ref: BDW-STD-HT-2013
 - Windermere Hipped AS Ref: BDW-STD-HT-2014
 - Windermere Hipped OP Ref: BDW-STD-HT-2015
 - Radleigh Hipped AS Ref: BDW-STD-HT-2016
 - Radleigh Hipped OP Ref: BDW-STD-HT-2017
 - Moresby-Maidstone Hipped AS Ref: BDW-STD-HT-2020
 - Moreseby-Maidstone-Maidstone Hipped OP-AS-OP Ref: BDW-STD-HT-2024
 - Buchanan Hipped AS Ref: BDW-STD-HT-2030
 - Buchanan Hipped OP Ref: BDW-STD-HT-2031
-
- Bin/Cycle Store Ref: P18 5233 08
 - Single Garage
 - Twin Garage
-
- Landscape Proposals 1 of 2 Ref: P18 5233 100
 - Landscape Proposals 2 of 2 Ref: P18 5233 100
 - Landscape Key Space Ref: P18 5233 103

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

TRANSPORTATION

04

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained in accordance with the Local Plan

05

Before the development is brought into use the car parking areas shown on the Planning layout – Ref P18 5233 01 Q shall be provided, marked out and thereafter maintained for car parking.

Reason

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

06

Before the development is commenced 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

No details having been submitted they are reserved for approval.

DRAINAGE

07

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

Reason

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

GROUNDWATER / CONTAMINATION AND GROUND CONDITION

08

Prior to the commencement of development, details of gas protection measures comprising:

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

Shall be submitted to and approved in writing by the local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighboring 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. In accordance with Local Plan Policies.

09

Installation of the gas protection measures approved as a requirement of condition 8, shall be verified by an independent third party and a validation report is to be forwarded to this Local Authority for review and comment.

Reason

To ensure that risks from land contamination to the future users of the land and neighboring 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. In accordance with Local Plan Policies.

10

If subsoil and topsoil is imported to site for remediation/land raising works and garden areas, then these soils shall be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. If materials are imported to the site then the results shall thereafter be presented to the Local Planning Authority in a Validation Report.

Reason

To ensure that risks from land contamination to the future users of the land and neighboring 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. In accordance with Local Plan Policies.

11

If during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out in the vicinity of the impact until the development has submitted and obtained written approval from the Local Planning Authority for a strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with Local Plan Policies.

12

Following completion of any remedial/ground preparation works a Validation Report shall be submitted to and approved in writing by the Local Planning Authority. 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. Evidence of the concrete specification used and water supply pipes installed will also need to be provided. 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

ENVIRONMENTAL

13

Prior to construction of the plots 22-33, 39-46 and 65- 69, following the erection of the acoustic fence which is to be located beyond the western boundary of the site, site verification of the noise modelling shall be carried out. The All Sources, external LAeq 16hr, daytime and night time predicted sound levels shall be verified by onsite measurement, using the methodology identified in the WYG Noise Assessment April 2019. The measurement locations should correspond to plots 22-33, 39, 44 and 68. The results shall be submitted to and approved in writing by the Local Planning Authority. If in the event that the noise levels exceed those predicted in the submitted Noise Assessment 2019 prepared by WYG, by more than 2dB, additional mitigation will be required to reduce the external noise levels to those predicted in the report or below. A scheme detailing this additional mitigation with associated modelling should be submitted and approved by the Local Planning Authority. Any approved scheme shall be put in place and retained in a condition to deliver the designed level of sound mitigation for the lifetime of the development hereby approved or the lifetime of the adjacent industrial operation. No dwellings shall be occupied until sufficient mitigation has been installed to deliver the acoustic environment described by the WYG(April 2019) report and on which this permission was given.

Reason

to ensure that actual external noise conditions are as predicted and in the interests of the amenity of future residents

14

Throughout the construction phases of development and except in cases of emergency, no operation that is likely to give rise to noise nuisance or loss of amenity shall take place on site other than between the hours of 0730 to 1800 Monday to Friday and between 0800 to 1300 on Saturdays.

Operations which give rise to noise nuisance shall not be carried out on Sundays, Public Holidays or outside normal weekday working hours. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason

In the interests of the amenity of the locality and in accordance with Local Plan Policies

15

Throughout the construction phases of development all machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the best practicable means shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities.

Reason

In the interests of the amenity of the locality and in accordance with Local Plan Policies.

LANDSCAPE & ECOLOGY

16

Prior to the commencement of development a biodiversity mitigation statement, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The statement should include details of all measures given in the Waverley Ecological Checklist – Pre Work Assessment for Housing Development Phase 2d (19/12/2018) and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

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

17

Prior to the occupation of the first dwelling a scheme outlining the provision of on-site nesting facilities for birds and roosting facilities for bats shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason

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

18

Prior to first occupation, a detailed hard and soft landscape scheme for the Public Open Space (Key Space G) within the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall be prepared to a minimum scale of 1:200. The landscape scheme shall clearly identify the following as appropriate:

- Existing and proposed finished levels or contours
- Means of enclosure
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
- Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, inspection chambers, etc)
- Highway visibility requirements
- Retained existing site features and proposals for restoration, where relevant.

Soft landscape details shall include:

- Planting plans
- Written specifications (including ground preparation, cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers / densities or planting distances
- An implementation programme.
- 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 within a timescale agreed, in writing, by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with policies CS19 “Green Infrastructure”, CS21 ‘Landscapes’ and SP32 ‘Green Infrastructure and Landscape’

19

Plot landscaping of the site as shown on the approved plan (JRP drawing nos. P18 5233 101 Rev B and P18 5233 102 Rev B) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with policies CS19 “Green Infrastructure”, CS21 ‘Landscapes’ and SP32 ‘Green Infrastructure and Landscape’

POSITIVE AND PROACTIVE STATEMENT

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

To the Chairman and Members of the
PLANNING REGULATORY BOARD

Date 25 April 2019

Report of the Director of Planning and Regeneration Service

ITEM NO. SUBJECT

- | | |
|---|---|
| 1 | Proposed Tree Preservation Order No 5, 2018 – The Manorial Barn, Chaff Close, Whiston, Rotherham, S60 4JH |
|---|---|

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ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

REPORT TO COMMITTEE
25 APRIL 2019

Item 1

Proposed Tree Preservation Order No 5, 2018 – The Manorial Barn, Chaff Close, Whiston, Rotherham, S60 4JH

RECOMMENDATION:

That Members confirm the serving of Tree Preservation Order No. 5, 2018 without modification with regard to the Oak tree which is the subject of this report, situated on land at The Manorial Barn, Chaff Close, Whiston under Section 198 and 201 of the Town and Country Planning Act 1990.



Background

The Oak Tree is protected by Whiston Conservation Area.

A section 211 notice to prune the oak tree was submitted under application reference RB2018/1532. The intended work was to crown lift to between 4 and 5 metres, top canopy and remove branches over hanging thatched roof.

It was considered the the proposed work to the tree is likely to cause significant damage to the tree's structure , are vague and open to interpretation and will result in a loss of amenity to the conservation area. As such, a Tree Preservation Order was placed on the Oak tree under a new TPO No. 5 2018 on 2 November 2018 and all interested parties notified.

The purpose of this report is to assess the objections received and determine whether the TPO should be confirmed or not.

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

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

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

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

Objections

A representation has been received from Whiston Parish Council objecting on the following grounds –

- The tree is only to be pruned and not felled.
- Concerns that RMBC have not identified structural issues in the tree.
- Concerns that the tree will damage the adjacent Grade II* Listed Building through direct damage.

One Right to Speak request has been received.

Comments from Tree Service Manager

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

The Tree is to be pruned and not felled

Tree Preservation Orders are created to stop the poor management of trees that will reduce the amenity of the tree and, if they are stood in a conservation area, the amenity of the conservation area.

Pruning works that have the potential to damage a tree's structure, affect its good health and destroy its natural appearance can also be judged as being poor management that reduces a tree's amenity value. It is not just the felling of a tree that warrants the use of a tree preservation order.

In this case the works specification included in the conservation area section 211 notice was:

"1 x oak tree (t1) crown lift to between 4 and 5 metres, top canopy and remove branches over hanging thatched roof"

The specification starts well and is clear in its intent to remove branches growing below a maximum height of 5 metres; however the second half of the specification is very poor and not descriptive in its intentions.

British Standard 3998:2010 Tree Work – Recommendations (arboriculture's industry best practice guide to tree management), section 7.7.2 states that a work specification should:

"be accurate and clear, so that the desired result is achieved. To avoid ambiguity, the specified end result can be stated either as the tree-height and branch-spread which are to remain, or the average equivalent in branch length (in metres)."

The proposed works do not provide such detail.

To "top" a tree or "topping", whilst used in the original TPO legislation to describe tree pruning has for a long time been regarded as an enormously damaging pruning practice within the arboricultural industry that is indiscriminate in its scope and does not take into account a tree's form, health or tree biology.

BS 3998 describes topping as follows:

Section 3.28

"Topping - Removal of most or all of the crown of a mature tree by indiscriminately cutting through the main stem(s). NOTE This is not the same as pollarding"

Section C.4.1

*"Extreme crown reduction, **topping** and re-coppicing
It is generally undesirable to wound trees so severely that major dieback or extensive decay are likely to ensue. Accordingly, severe crown reduction, which at its*

most extreme equates to topping, should be used only as a last resort for retaining a valuable tree which would otherwise pose an unacceptable risk to people or property, or would be susceptible to loss due to structural collapse.”

Given the above it is not possible to judge from the specification what works were proposed for the tree. The description could result in massive sections of this prominent tree being removed and disfiguring its structure and reducing its amenity levels.

Tree's structural condition

The tree was inspected at the time of the conservation area notification using a visual tree assessment from ground-level.

The inspection noted that there was a large wound to the tree's central branch; however beyond this the tree's health and structure were assessed to be good with only minor issues that could be managed through careful pruning if required.

The wound to the tree's central branch is most likely as a result of a lightning strike. Around this wound there are now several significant branches developing around the deadwood of the wound. However associated with these branches there is significant wound wood development around the wound, which indicates that the tree is responding well to the damage. If this section of the tree was managed delicately then there should be no reason that the tree can't continue to live a long, safe life.

Part of this assessment is based on the tree's species. Oak produces strong, slow growing wood that can be capable of supporting a large wound. Had the tree been a different species that is poorer at the compartmentalisation of a wound (e.g. birch, poplar or willow), then the assessment would have been quite different.

The works requested in the conservation area notification are therefore potentially excessive in nature and not justified.

Tree's potential to damage the adjacent building

The creation of the TPO is not intended to stop all works from happening to the tree (and nor is it possible under the TPO legislation to stop all works) but just to stop poor works that would affect the tree's long-term health and safety and its ability to provide good amenity to the local area.

Therefore should works be applied for to prune branches to allow clearance underneath, and away from the neighbouring building then they will most likely be consented to. If works are also applied for to reduce the weight of branches affected by the wound on the central leader that also allows continued good performance of those branches then they too are likely to be granted consent. However if excessive, unjustified and non-specific works are applied for then they are likely to be refused.

An example works specification that would likely be granted consent that would maintain the tree's good amenity is:

Selectively prune branches to provide a maximum of 5 metres clearance above ground-level and a maximum radial clearance of 2 metres from adjacent buildings.

Selectively prune branches growing out of the central leader affected by the lightning strike wound by a maximum of 1 metre, with neighbouring branches pruned to blend with the remaining canopy line.

Conclusion

The tree is estimated to be 180-190 years old is likely to have been a key feature in the Whiston street scene for the majority of that time given its prominent location. The rationale for the description of the proposed works have not been clearly presented and therefore pose a risk of excessive pruning taking place and destroying the excellent amenity of this tree.

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