

PLANNING REGULATORY BOARD

Date:- Thursday, 19 December 2019 Venue:- Town Hall, Moorgate Street,
Rotherham. S60 2TH
Time:- 9.00 a.m.

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

AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 1)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 21st November, 2019 (Pages 2 - 4)
6. Deferments/Site Visits (information attached) (Pages 5 - 6)
7. Development Proposals (herewith) (Pages 7 - 110)
8. Report of the Assistant Director of Planning Regeneration and Transport (herewith) (Pages 111 - 124)
9. Updates
10. Date of next meeting - Thursday, 16th January, 2020 at 9.00 a.m.

Membership of the Planning Board 2019/20

Chairman – Councillor Sheppard
Vice-Chairman – Councillor Williams
Councillors Atkin, Bird, D. Cutts, M. S. Elliott, Jarvis, McNeely, Sansome, Short, Steele, John Turner, Tweed, Walsh and Whysall.



SHARON KEMP,
Chief

Executive.

Planning Regulatory Board 'Public Right To Speak'

REGISTERING TO SPEAK

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

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

WHEN YOU ARRIVE

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

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

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

The Council Chamber is equipped with microphones and a hearing loop

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

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

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

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

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

YOUR RIGHT TO SPEAK

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

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

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

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

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

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

CONDUCT OF COMMITTEE MEETINGS

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

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

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

MEMBERS' DECLARATION OF INTEREST

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

Please tick (✓) which type of interest you have in the appropriate box below:-

1. Disclosable Pecuniary

2. Personal

Please give your reason(s) for you Declaring an Interest:-

(Please continue overleaf if necessary)

N.B. It is up to a Member to determine whether to make a Declaration. However, if you should require any assistance, please consult the Legal Adviser or Democratic Services Officer prior to the meeting.

Signed:-

(When you have completed this form, please hand it to the Democratic Services Officer.)

PLANNING BOARD
Thursday, 21st November, 2019

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

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

52. DECLARATIONS OF INTEREST

Councillor Whysall declared a personal interest in application RB2019/0341 (formation of private burial ground at land rear of Church Street, Wales) on the grounds of knowing the applicant and left the room whilst that application was discussed.

53. MINUTES OF THE PREVIOUS MEETING HELD ON 31ST OCTOBER, 2019

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

54. DEFERMENTS/SITE VISITS

There were no site visits or deferments recommended.

55. 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 applications listed below:-

- Outline application for the formation of a proposed motorway service area with details of access (comprising main service station building, car fuel filling station, HGV amenity building, HGV fuel filling station, formation of car, coach and caravan parking areas and associated works) at Motorway Service Area, Rotherway, Brinsworth for Applegreen Plc (RB2017/1347)

Mr. D. Jones (Applicant)
Mr. K. Lilley (Objector)
Ms. C. Kent (Objector)
Mr. P. Bedwell (Objector)

Three additional letters of objection received after the publication of the agenda were read out at the meeting from:-

Shaun and John Pashley (local residents)
Pegasus Planning Group
Sheffield City Council

- Formation of private burial ground at land rear of Church Street, Wales for R. Hammond (RB2019/0341)

Mr. G.M. Clay (Agent – on behalf of the applicant)
Mr. B. Marsh (Objector)
Mrs. G. Francis (Objector)

An additional objection was read out from Mr. and Mrs. J Myers.

- Change of ground floor use to restaurant (use class A3) and erection of single storey front extension at 280 Bawtry Road, Wickersley for Divide UK (RB2019/1533)

Mr. Lee Smith (Applicant)
Ms. Sarah Barber (Objector)
Mrs. Maggie Godfrey (Objector)

(2) That application RB2017/1347 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and subject to an amendment to Condition No. 3 to now read:-

3. The Gross External Area of the Main Amenity Building shall not exceed 4,300 sq. meters; and the Gross External Area of the HGV Amenity Building Gross External Area shall not exceed 4,300 sq. metres.

(3) That applications RB2019/0341, RB2019/0343 and RB2019/1454 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(4) That application RB2019/0821 be granted for the reasons adopted by Members at the meeting, subject to the signing of a legal agreement to secure £140,000 towards affordable housing, to the relevant conditions listed in the submitted report and subject to an additional condition relating to the requirement for a management company for the communal areas to read:-

15. Prior to the occupation of the first dwelling a management company shall be established to maintain the car park and landscaped area shown on the Proposed Site Plan – Dwg No 19/2199/(02)002 Rev F. The management company shall thereafter manage and maintain these areas for the lifetime of the development.

Reason - To ensure the satisfactory management and maintenance of

PLANNING BOARD - 21/11/19

these areas.

(5) That application RB2019/1533 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and subject to an additional condition restricting the use of a full length window and fire door immediately facing the green area to the west to read:-

5. The fire escape door as shown on drawing number 19-137-4 Rev A shall only be used in an emergency situation and shall at no time be used as a general entrance or exit

Reason - In the interests of the amenities of neighbouring residential properties.

56. UPDATES

The following update information was provided:-

- (a) Clarification of burial sites on private land.
- (b) Further to the meeting of the Planning Board held on 25th April, 2019 and the refusal of the temporary use of land for siting of offices and 6 No. storage containers at The Pitches Sports Club, Wickersley Road, Broom for Hotel Van Dyk Ltd. (RB2019/0119), the appeal submitted had subsequently been upheld. Due to the timeframe that had elapsed since the appeal was submitted this would give the applicant six months temporary permission for the location of the storage containers.

Resolved:- That the updates be noted.

57. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on the revised date of Thursday, 19th December, 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
19 DECEMBER 2019**

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

INDEX PAGE

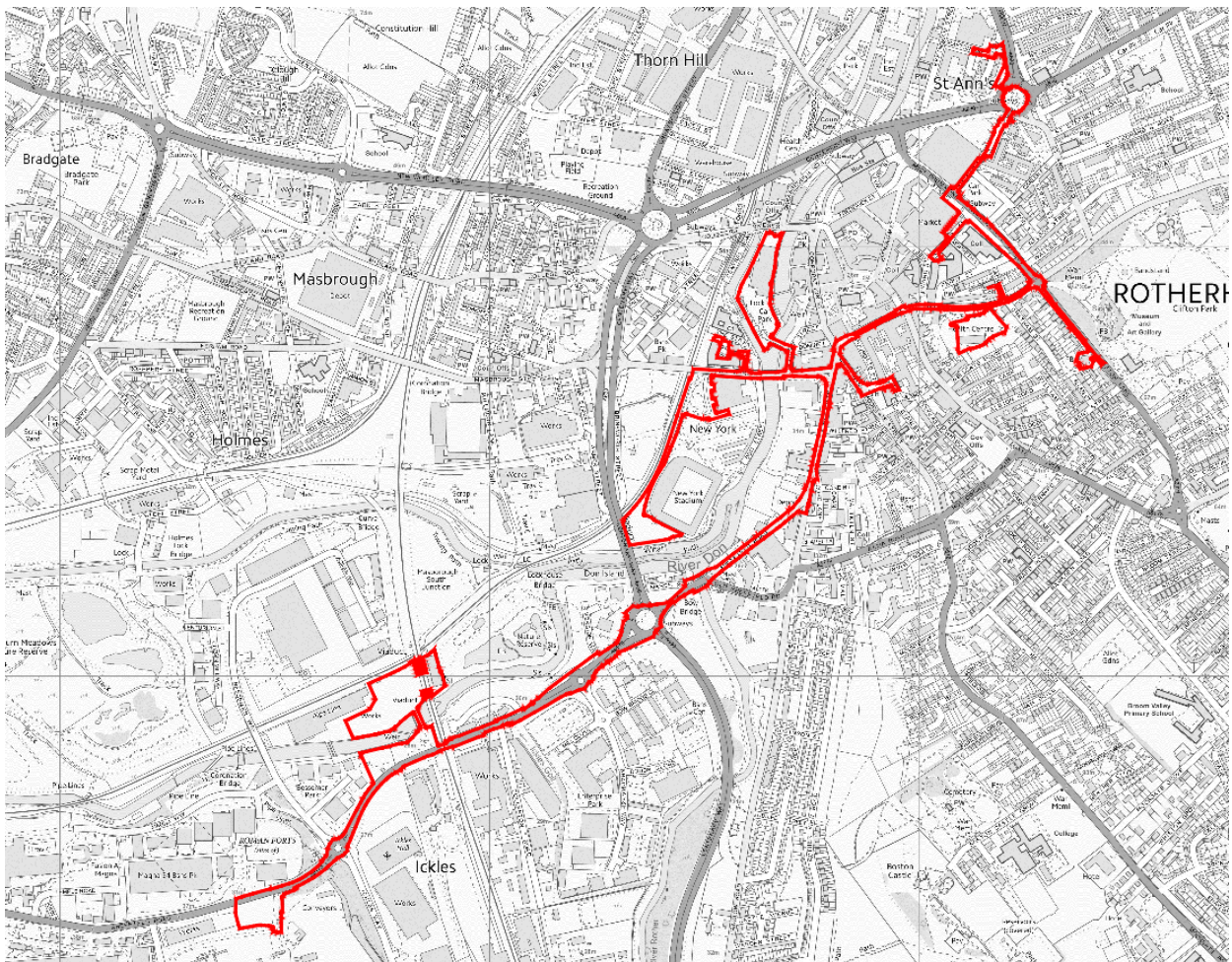
<p>RB2019/1244 Installation of pipeline associated with Rotherham District Heating Network at various locations starting at the Templeborough Biomass Power Plant site Sheffield Road Templeborough for Templeborough Biomass Power Plant Ltd</p>	<p>Page 8</p>
<p>RB2019/1279 Demolition of existing dwellinghouse & erection of 8 No. apartments at 26 St Albans Way Wickersley for Habbin Ltd</p>	<p>Page 25</p>
<p>RB2019/1332 Change of mixed use of a house in multiple occupation with an ancillary office (use class Sui Generis) at 106 Broom Road Broom for Mr B Keegan</p>	<p>Page 47</p>
<p>RB2019/1350 Erection of 52 No. dwellinghouses with associated enabling works at land off Upper Wortley Road & Lodge Lane Thorpe Hesley for W Redmile & Sons Ltd</p>	<p>Page 53</p>
<p>RB2019/1468 Erection of new building with link extension, external works including formation of new access road, service yard, staff parking and erection of substation, cycle store and picnic area at A E S Engineering Ltd Mill Close Templeborough for AESSEAL</p>	<p>Page 81</p>
<p>RB2019/1549 Proposed back-up electricity generation facility at land at Old Doncaster Road Wath-upon-Deerne for Mercia Power Response</p>	<p>Page 94</p>
<p>RB2019/1575 Application to vary condition 01 (approved plans to allow installation of roof lights and rooms in the roofspace) and to vary condition 06 (no roof lights shall be inserted in roof slope) as imposed by RB2018/1841 at Plot 1, 56 Goose Lane Wickersley for Mr S Wilkinson</p>	<p>Page 103</p>

REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 19 DECEMBER 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	RB2019/1244 https://rotherham.planportal.co.uk/?id=RB2019/1244
Proposal and Location	Installation of pipeline associated with Rotherham District Heating Network at various locations starting at the Templeborough Biomass Power Plant site, Sheffield Road, Templeborough
Recommendation	Grant Conditionally

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



Site Description & Location

The application site extends to approximately 3.4km in length and is proposed to supply properties towards and within Rotherham (the East Network), as well as properties to the south west of the Templeborough Biomass Power Plant (TBPP) (the West Network).

The West Network of the pipeline exits the southern boundary of the site on the south bank of the River Don. It then follows Sheffield Road westwards before turning south into Kelvin Steel Works. The East Network also exits the southern boundary of the site onto Sheffield Road. The pipeline then travels along Sheffield Road eventually merging onto Westgate Road. The pipeline then branches towards the west along Main Street and towards the east to connections beyond Westgate/Moorgate Street

The application boundary used for this application includes a degree of micro siting allowance to provide sufficient flexibility within the TBPP site required to make the pipeline connections between the TBPP, the Energy Centre and the Rotherham District Heating Network (RDHN). Similarly, throughout the route of the pipeline, the red line boundary has been drawn along the outer extents of the pavement on both sides of the highway to provide the flexibility required to avoid existing underground infrastructure.

Background

Given the extent of the application boundary, there is an extensive history on or adjacent to the red line boundary. The following applications are however the only ones relevant to this application:

RB2010/0668 - Construction and operation of a Biomass Energy Development incorporating two associated biomass combined heat and power (CHP) plants, two chimney stacks (30m and 40m in height) with a 200,000 tonne per annum wood pellet manufacturing process and associated infrastructure & landscaping works – Granted Conditionally

RB2013/1331 - Installation of a biomass energy development incorporating a 350,000 tpa wood pellet manufacturing process and an associated biomass combined heat & power (CHP) plant – Granted Conditionally

RB2014/1045 - Application to vary condition 02 (minor changes to footprint and elevations and the installation of a conveyor belt between buildings 1 and 11) imposed by RB2013/1331 (Installation of a biomass energy development incorporating a 350,000 tpa wood pellet manufacturing process and an associated biomass combined heat & power (CHP) plant) – Granted Conditionally

RB2015/0064 - Application to vary condition 01 (minor changes to footprint and elevations of building 4) imposed by RB2014/1045 Application to vary condition 02 (minor changes to the footprint and elevations and the installation of a conveyor belt between buildings 1 and 11) imposed by RB2013/1331 – Installation of a biomass energy development incorporating a 350,000tpa wood pellet manufacturing process and an associated biomass combined heat and power (CHP) plant – Granted Conditionally

RB2015/0076 - Installation of water abstraction point and underground pipework – Granted Conditionally

RB2015/1059 - Application to vary condition 02 (approved plans) imposed by RB2015/0064 (Application to vary condition 01 (minor changes to footprint and elevations of building 4) imposed by RB2014/1045 Application to vary condition 02 (minor changes to the footprint and elevations and the installation of a conveyor belt between buildings 1 and 11) imposed by RB2013/1331 – Installation of a biomass energy development incorporating a 350,000tpa wood pellet manufacturing process and an associated biomass combined heat and power (CHP) plant) – Granted Conditionally

RB2018/1533 - Proposed energy centre – Granted Conditionally

Proposal

The application seeks permission for the installation of a pipeline associated with the Rotherham District Heating Network to be powered principally by the Templeborough Biomass Power Plant. The pipeline will provide businesses, industries, public sector organisations and residential properties, with heating and hot water from a low-carbon source.

The pipeline will, in the main be underground and follow the route outlined in the preceding paragraphs. The pipes will be pre-insulated steel pipes, to reduce heat loss as they transport hot water through the network. The pipes will include copper wires to detect any leaks should these occur and are likely to be no larger than 560mm in diameter.

The pipes will be laid on open cut trenches, approximately 1 to 1.5m wide, and are likely to require the use of 100mm aggregate for pipe bedding, fine back fill material compacted by hand around the pipes and at least 900mm of stone back fill material from the marker tape level to surface level. The current surfaces will be reinstated, such as with coated stone along vehicle highways. The pipelines will be installed in segments (approximately two to three days per segment), to minimise disruption to other highway users.

The pipeline will need to traverse four bridges: the bridge within the TBPP site (crossing the River Don), Bow Bridge, Main Street Bridge (crossing the River Don) and the bridge towards Forge Island.

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

Ecological Assessment

This document details survey and assessment methodology and the results of a desk-based study and on-site surveys. It also provides an assessment of potential ecological impacts and appropriate mitigation to offset any ecological impacts associated with the proposal and to satisfy national and local planning policies.

Flood Risk Statement

Concludes that any changes to flood risk as a consequence of construction and operation of the proposed pipeline can be limited to temporary and localised effects.

Outline Construction Environmental Management Plan

This is a live document which sets the standards and requirements to which the Principal Contractor and all sub-contractors working on the site will be bound. It presents the approach and application of environmental management and mitigation for

the construction of the proposed development. The CEMP aims to ensure that adverse effects from the construction phase on the environment and the local communities, are minimised.

Preliminary Archaeology and Cultural Heritage Constraints Report

This appraisal provides a preliminary evaluation of the archaeological and cultural heritage sensitivity of the Site. In conclusion and given the nature of the development, the report states that direct impacts would be experienced through ground disturbance within parts of the Rotherham Town Centre Conservation Area and through ground disturbance within the extreme western corner of Clifton Park RPG. Furthermore, direct impacts to Listed Buildings are not anticipated

Development Plan Allocation and Policy

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

The application site is allocated for Industrial and Business, Greenspace and Mixed Use purposes in the Local Plan, part of the site also lies within the town centre conservation area. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS21 Landscape
CS23 Valuing the Historic Environment
CS25 'Dealing with Flood Risk'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS30 'Low Carbon & Renewable Energy Generation'
SP16 'Land Identified for Industrial and Business Use'
SP17 'Other Uses Within Business, and Industrial and Business Areas'
SP31 'Canals'
SP33 'Conserving and Enhancing the Natural Environment'
SP34 'Protected and Priority Sites'
SP41 'Conservation Areas'
SP42 'Archaeology and Scheduled Ancient Monuments'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP55 'Design Principles'
SP69 'Utilities Infrastructure'

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 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 press, and site notice along with individual neighbour notification letters to adjacent properties. Two letters of representation have been received. One from Sheffield and Rotherham Wildlife Trust, who are in support of the proposals and one from Rotherham United who raise concerns.

Support

- We support the realignment of this scheme along hard standing routes where possible to minimise the impact on ecologically sensitive areas, including Centenary Riverside LNR which we manage
- We support the suggestions of mitigation/enhancement in section 4.3.4 of the Ecology report. However, the situation here is different to the Rotherham River of Flowers, which are primarily annual flowers and need to be re-seeded every couple of years.
- To reduce on-going maintenance in this situation, we would instead recommend a native wildflower mix consisting mainly of perennial species. Reputable suppliers include Emorsgate or Naturescape. We also support the following suggestions "Enhancement could include undertaking work or contributing to funding to help remove and manage invasive species in the LNR and surrounding area.
- Enhancement could also include contribution to the management of the LNR or other habitats in the area." This could be on Centenary Riverside LNR and also on the adjacent land off Riverside Way if Primesite are in agreement as this land recently lost an area of shrubs which supported a number of birds and invertebrates.

Concern

- There appears to have been no specific consideration given to the particular circumstances of (Rotherham United) stadium and how that might be affected by the construction processes that are required to provide the pipeline.
- RUFC is therefore very concerned to ensure that, assuming the pipeline is approved in principle, the timing of the construction of the pipeline in the vicinity of the stadium is managed to avoid any disruption (however temporary) on match days and at other times that may affect those who work at the stadium itself.
- The Club notes that in the CEMP it is generally estimated that construction will take place of the pipeline between November 2019 and October 2020. RUFC would like to know more about this programme and when it would be anticipated that the pipeline would be constructed through stadium land. If construction was

restricted to after the football season ends (May 2020) certain of the Club's concerns about health and safety issues may be more capable of being addressed.

- The Club's other concerns relate to how the various proposals in the CEMP relating to working hours; noise control; traffic and transport; storage handling and handling requirements; deliveries; flammable and hazardous substances etc are going to be managed with particular regard to the pipeline construction phase in the stadium land.
- RUFC considers that much more detail should be given by the applicant as to how the pipeline will be constructed with particular regard to its timing and implications for the operation of the stadium.

Consultations

RMBC Transportation Infrastructure Service raise no objections to the proposed development, however note that a Road Traffic Order will be required for works in the public highway.

RMBC Environmental Health consider the proposed pipe layout does cover numerous noise sensitive areas particularly those close to residential dwellings. It is therefore recommended that a condition is placed on any future planning permission requiring the submission of a noise and vibration statement

RMBC Ecology – accepts the findings and recommendations outlined in the Ecology Assessment and request that the mitigation and biodiversity enhancement in the Assessment are conditioned.

RMBC Drainage – accepts the findings in the drainage statement, however recommend a condition that further details of the pipeline be submitted in areas within 10m of the River Don, River Rother or canal.

Network Rail - raise no objections to the proposed development subject to a condition requiring the submission of a Method Statement to determine the impact of the construction phase on the nearby railway.

Canals and Rivers Trust – raise no objections in principle subject to the imposition of a condition requiring full details of the proposed pipeline crossings of the Sheffield and South Yorkshire Navigation being submitted and approved in writing. As a landowner, they raise concerns in respect of the proposed fixing of pipes to the existing Main Street Bridge and have requested further discussions with the applicant on this matter.

South Yorkshire Archaeological Service raise no objections to the proposed development subject to a condition requiring the submission of a Written Scheme of Investigation.

Appraisal

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

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and

(c) any other material considerations. - S. 70 (2) TCPA '90.

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

The main considerations in the determination of the application are:

- Principle of Development
- Design Considerations
- Transportation Issues
- Amenity Issues
- Flood Risk Issues
- Ecology/Biodiversity matters
- Archeological and Cultural Considerations
- Other Issues

Principle

Given the extent of the application boundary, the site lies within various allocations including Industrial and Business, Greenspace and Mixed Use areas. Nevertheless it is considered that Policy CS30 and the guidance contained within the National Planning Policy Framework listed below are relevant when considering the principle of this development.

In this regard, the NPPF advises that local planning authorities should actively support energy efficiency improvements and have a positive strategy to promote renewables.

One of the 12 core principals of the NPPF states that planning should: “support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).” At paragraph 148 the NPPF states: “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

At paragraph 151, the framework provides more detail on how local planning authorities may support use and supply of low carbon energy. “To help increase the use and supply of renewable and low carbon energy and heat, plans should

- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts);
- b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Furthermore, NPPF Paragraph 154 states: “When determining planning applications for renewable and low carbon development, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions...
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”

This is further reinforced in Policy CS30 ‘Low Carbon & Renewable Energy Generation’ which states ‘energy developments should seek to reduce carbon dioxide emissions through the inclusion of mitigation measures and development will be supported encourage the use of renewable, low carbon an decentralised energy’.

Having regard to the above, the proposed development seeks permission solely for the installation of a pipeline associated with the Rotherham District Heating Network. The pipeline is required to take the heated water generated within the Templeborough Biomass Plant and distribute it to local residents and businesses in Rotherham. This form of development constitutes a form of low carbon energy and is therefore considered to be consistent with guidance contained within the NPPF and local planning policy. The application is therefore supported in principle.

Design Considerations

Paragraph 127 of the NPPF states planning decisions should ensure developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and will add to the overall character of the area. Furthermore, Local Plan policies CS28 ‘Sustainable Design’ and SP55 ‘Design Principles’ requires proposals to take all opportunities to improve the character and quality of the area.

The majority of the pipeline will be located underground and will therefore have no impact on the character of the immediate area, it will however emerge to an over ground position in the following locations:

1. Bridge within the Templeborough Biomass Power Plant (TBPP).
2. Bow Bridge.
3. Main Street Bridge (crossing the River Don).
4. Forge Island Bridge.

Having regard firstly to the visual impact of the pipework over the bridge within the TBPP, this will be attached to the eastern elevation of the bridge. A visual representation has been submitted to show how this will look and given the steel frame of the bridge, it is considered that the pipework will blend into the wider structure and not appear obtrusive in any way.

Bow Bridge crosses the River Don where Sheffield Road meets Old Sheffield Road. It has existing pipework attached to the outer sides of the bridge on both the northern and southern elevations. It is proposed to attach the proposed pipework to the northern elevation, adjacent to the existing pipework. Accordingly, the installation of the pipework adjacent to the existing will not introduce a new form of development and will therefore not impact on the visual amenity of the area.

Turning to Main Street bridge and Forge Island bridge, again the pipework will be attached to the outer, southern elevation of each bridge and will be enclosed by cladding along the Main Street bridge. Where the proposed pipes cross this bridge, they would be clad in laser cut and etched 3mm stainless steel sheets mounted to a framework. This would screen the pipes from view at the canal crossing points but also host artwork that would tell the history of the canal network from Sheffield to Rotherham and beyond.

Having regard to the above, it is considered that sufficient consideration has been given to screening the pipework where it transverses Main Street bridge in or near to the town centre. This will assist in protecting the amenity of these areas. Accordingly, the development is considered to satisfy the requirements of policies CS28 'Sustainable Design' and SP55 'Design Principles' together with guidance contained within the NPPF.

Transportation Issues

In assessing highway related matters, 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."

Having regard to the proposed development it is acknowledged that the construction phase of development will result in some disruption to traffic movements within the local highway network. To minimise disruption to other highway users, the Applicant intends to install the pipeline in phases, with each segment taking approximately two to three days to complete. Although there will be construction traffic associated with the laying of the pipes, this will only be temporary and is unlikely to result in a significant adverse effect on the highway network. No materials will be stored on the highway, unless previously agreed with the local highway authority, but will be stored in the site compound located within the TBPP site.

Additionally, the applicant has provided information relating to potential solutions for minimising disruption to public travel and the effects on the condition of the highways. These measures include the following:

- All HGV and LGV construction vehicles associated with the proposed development will be clearly identifiable through the use of a vehicle marking scheme.
- Only those construction traffic routes and haul roads which have been agreed with the relevant authorities will be used.
- Perimeter and internal roads will be used to provide access for regular and ad-hoc maintenance activities and for delivery of materials to site.
- Car parking spaces will be provided within the construction compound.

- A 'Banksman' or other qualified personnel will be in place at all bellmouth locations to guide construction traffic; and record arrivals and departure of vehicles against the deliveries schedule.
- Temporary Traffic Management (TTM) procedures will be used where required to enhance safety conditions and mitigate potential impacts of the construction of the bellmouths and haul roads

The Council's Transportation and Infrastructure Service have assessed the impact of the development and concur that the measures outlined above will go some way to limit the disruption caused by the construction phase of the development. Accordingly, they raise no objections; however advise that the applicant should contact the Council's highways department prior to the commencement of any development within an adopted highway.

Comments made by Rotherham United Football Club have been noted and the Applicant has acknowledged that Temporary Road Traffic Orders will be required under the Road Traffic Regulation Act 1984 for the installation of the pipelines. Due to the length of the proposed pipeline, works on the highway would be carried out in planned segments, thereby minimising traffic disruption. Accordingly, whilst disruption caused by the proposed works is inevitable, the level of disruption will be considered and managed as part of the Road Traffic Order(s).

Amenity Issues

Paragraph 127 of the NPPF states planning decisions should create a high standard of amenity for existing and future users. Policies CS27 'Community Health and Safety' and SP52 'Pollution Control' support this.

Given the nature of the proposed development, impact on the amenity of local residents and businesses will be limited to the construction phase. To assess the extent of the impact, the application is supported by a Construction Environmental Management Plan (CEMP) which has regard to issues such as noise control and air quality.

The Plan states that *"works will be undertaken in accordance with the Noise and Statutory Nuisance Act 1992 and in accordance with British Standard for Noise and Vibration. It shall be a requirement of the construction contract that the Principal Contractor (PC) and any of their Sub-Contractors comply with the recommendations in this standard, in order to achieve specific noise limit criteria. The PC will ensure that all equipment is fitted with suitable exhaust silencers and/or muffler equipment and that enclosure panels are kept closed whilst the equipment is in use."*

The normal hours of working for the construction works shall be within the normal working day, defined as being between 07:00hrs and 19:00hrs Monday to Friday and 08:00hrs to 16:00hrs pm on Saturday. No construction activities will be undertaken on Sundays or during Bank Holidays.

Further details are provided with regard to air quality and numerous mitigation measures are listed to reduce the effect of dust and smoke from construction activities. These include:

- Dust prone materials, will be sheeted or prevented in other appropriate ways from becoming wind-borne.

- Wheel cleaning facilities will be provided if necessary
- Materials kept at site, including the stockpiling of soils, will be protected by appropriate measures, for example membranes, spraying or seeding.
- Loaded vehicles that are carrying dust generating materials will be covered, for example with sheets, when leaving site

The content of the CEMP has been assessed by the Council's Environmental Health department who have confirmed that the proposed pipeline covers numerous noise sensitive areas particularly those close to residential dwellings. However it is considered that any impact can be mitigated through acceptable working practices as set out in the CEMP.

Accordingly it is considered that the impact on local amenity will be restricted to the construction phase of development, however through the implementation of acceptable working practices it will not have a significant adverse impact on amenity, in accordance with the provisions of the NPPF and Policy SP52 'Pollution Control'.

Flood Risk Issues

Policy CS25 "Dealing with Flood Risk" states, in part, that: "*Proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall.*"

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

"The Council will expect proposals to:

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

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

A Flood Risk Statement has been submitted in support of the application. This document confirms that flooding in the Rotherham area can potentially occur from a number of sources, which include flow within the River Don, heavy rainfall and sewers being overwhelmed by heavy rainfall.

During construction, the relatively shallow depth of trenching work is unlikely to alter groundwater conditions. Where the pipeline route intersects fluvial, pluvial and reservoir flood risk extents its construction (trenching) could potentially alter the extent of this flood risk by creating new flow paths for the duration of construction. Also, in turn, the pipeline route would be exposed to flood risk during construction.

Once completed, the pipeline will not affect fluvial, pluvial and reservoir flood risk and its shallow depth and small cross-sectional area relative to groundwater systems make it very unlikely that an increase in groundwater flood risk would occur. Also, the route will not intersect sewer systems.

Having regard to flood risk, the Flood Risk Statement details how various sections of the route has the potential to be affected by fluvial flood risk, however concludes by stating “Although parts of the pipeline routes are within areas affected by flooding, by the very nature that the pipelines are below ground and within a trench, means that the impact and risk to existing flooding will limited and negligible. Should any of these sources of flood occur then the pipeline trench will be simply inundated with flood water with no perceivable adverse changes in the flood flows that will occur. The risk of reservoir flood is significantly low due to the regulatory controls that are imposed on the management of reservoirs in the UK. Overall by using early warning, a phased construction programme and having an emergency action plan in place then, it is considered that any perceived risks to the existing areas and the construction teams can be safely managed.”

Having regard to the above, the Council’s Drainage department do not raise any objections and as such, it is considered that the scheme, subject to conditions would comply with the NPPF and Local Plan policies CS25 ‘Dealing with Flood Risk’ and SP47 ‘Understanding and Managing Flood Risk and Drainage’.

Ecology/Biodiversity matters

In assessing these issues, Policy CS20 ‘Biodiversity and Geodiversity,’ notes in part, that: *“The Council will conserve and enhance Rotherham’s natural environment and that resources will be protected with priority being given to (amongst others) conserving and enhancing populations of protected and identified priority species by protecting them from harm and disturbance and by promoting recovery of such species populations to meet national and local targets.”*

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

The submitted Ecological Assessment notes that the proposed development site is located within 2km of two designated sites; Bradgate Brickworks SSSI and Centenary Riverside LNR. The Bradgate Brickworks SSSI is designated because of the geological interest within an exposed quarry face and it is therefore very unlikely that the development would have a negative impact on this designated site or the habitats and species present in them.

The pipeline route crosses through the Centenary Riverside LNR where there is Unimproved Neutral Grassland, Ruderal Vegetation and Scrub. The pipeline also goes through locations where Non-native Invasive Plant species are present

The Assessment goes on to state that prior to a relevant stage of construction works (those that are in close proximity to the Centenary Riverside LNR) commencing, one or more appropriately qualified Ecological Clerk(s) of Works (ECoW) will be appointed who will be responsible for ensuring appropriate ecological mitigation measures are implemented.

The Council's Ecologist has assessed the content of the Ecological Appraisal and concurs with its findings and recommendations. The development is therefore considered to have a negligible impact on the aforementioned designated sites subject to appropriate mitigation measures being implemented, which can be secured via an appropriately worded condition.

Subject to this, the development is considered to fully accord with Policy CS20 'Biodiversity and Geodiversity and Policy SP33 'Conserving and Enhancing the Natural Environment'.

Archeological and Cultural Considerations

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

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

In support of the application an Archeology and Heritage Assessment has been submitted. This Assessment lists all designated and non designated heritage assets within 250m of the site boundary. These are as follows:

- Town Centre Conservation Area
- Williams and Glyns Bank (Grade II Listed);
- 25 & 27 High Street (Grade II* Listed);
- The Factory Shop (Grade II Listed);
- 7 & 9 Westgate (Grade II Listed);
- Imperial Buildings (Grade II Listed); and
- 29 & 29A High Street (Grade II Listed).

The Site along Clifton Lane is also adjacent to the western boundary of Grade II Clifton Park Registered Park and Garden (RPG). The Site extends across the extreme western corner of the RPG.

In addition 7 non-designated heritage assets are located within 250m of the site. These include a possible Iron Age or Roman trackway, Roman Road Brough to Doncaster via Templeborough and a possible route of a Roman road, Chesterfield to Templeborough.

The assessment proceeds to consider the impact of the development on each of these assets and concludes that direct impacts would be experienced through ground disturbance within parts of the Rotherham Town Centre Conservation Area and through ground disturbance within the extreme western corner of Clifton Park RPG.

Ground disturbance through the excavation of open cut trenches within areas of hardstanding in respect to both the Conservation Area and the RPG would remain physically unaffected. As such, impacts would therefore be insignificant on the basis of sympathetic reinstatement

Having regard to any direct impacts to Listed Buildings, these are not anticipated given the nature of the development and the open cut trenches being located outside of their respective curtilages.

Turning to the impact of the development on non designated heritage assets, it is acknowledged that there is the potential of Roman remains within the footprint of Sheffield Road which is thought to be Roman in origin and which may still retain Roman layers beneath the modern surface. However it is considered that in recognition that pockets of survival may be present, which could inform/expand on the known archaeological resource, an archaeological watching brief could sensibly and proportionally be applied to certain sections of the site. Accordingly, a condition requiring the submission of a Written Scheme of Investigation is recommended.

Based on the above, the majority of the works are underground and will therefore not impact on the designated and non designated heritage assets. The proposed development will therefore comply with the provisions of Policies CS23 and SP43 of the adopted Local Plan.

Other Matters

The Canals and Rivers Trust (The Trust) note that the proposed pipe crossing is proposed to be fixed to Main Street Bridge, which falls within their ownership. Whilst they raise no objections in principle to the proposed works, they have concerns in respect of the fixing of pipes to the bridge and, in particular, any increased loading on the bridge and its parapet which may impact on its structural integrity or result in increased maintenance requirements and liabilities for the Trust.

These points are noted however it is a matter for the Applicant and The Trust to resolve outside of the Planning system. If it is established that the pipes cannot be attached to the bridge and a separate structure is required to carry them over the canal, a variation to any future planning permission or a new application would be required to regularise these amendments.

Conclusion

Having regard to the above the scheme will assist in delivering the RDHN and will aid in the reduction of greenhouse gas emissions. Furthermore, it would be compatible with neighbouring land uses and would not give rise to any design, amenity, drainage or

highway issues. Therefore the scheme fully complies with relevant national and local planning policies and guidance and for the reasons outlined above is recommended for approval.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Condition number 5, 6 & 9 of this permission requires matters to be approved before development works begin; however, in this instance the condition is justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under Condition number 5, 6 & 9 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

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)

- Site Location Plan – Dwg No. SH12143/011 Rev E
- Constraints Plan – Dwg No. SH12143/014 Rev E
- Route Plan 1 of 4 – Dwg No. SH12143/012 Rev E
- Route Plan 2 of 4 – Dwg No. SH12143/012 Rev E
- Route Plan 3 of 4 – Dwg No. SH12143/012 Rev E
- Route Plan 4 of 4 – Dwg No. SH12143/012 Rev E
- Pipeline Route near New York Stadium – Dwg No. SH12143- 105 Rev A
- Typical Pipeline Layout Details – Dwg No. SH12143/013 Rev A

Reason

To define the permission and for the avoidance of doubt.

03

Notwithstanding the submitted plans, prior to any above ground development, full details of the proposed pipeline crossings of the Sheffield and South Yorkshire Navigation shall be submitted to and approved in writing by the Local Planning Authority. Details shall include plans of the proposed routing and drawings and elevations showing the method of construction and external appearance of each

crossing. Thereafter, the pipeline crossings shall be constructed in accordance with the approved details.

Reason

In the interests of protecting the visual amenity of the waterway in accordance with Policies CS28 and SP55

04

The development hereby approved shall be carried out in accordance with the details contained within the Outline Construction Environmental Management Plan dated July 2019

Reason

In the interests of highway safety and to protect the amenity of nearby residents and occupiers.

05

Prior to the commencement of development, a Method Statement to include an outline of the proposed method of construction, risk assessment in relation to the railway shall be submitted and approved by the Local Planning Authority.

Reason

To assess the safety, operational needs and integrity of the railway.

06

Prior to the commencement of development a noise and vibration assessment to evaluate the likely impact of noise and vibration during the construction phase on nearby residents shall be submitted to and approved in writing by the Local Planning Authority. The noise survey shall be carried out by a specialist noise consultant or suitably qualified person and shall have regard to BS4142:2019.

Reason

In the interests of the amenity of nearby residents.

07

The installation of any part of the pipeline within 10m of the River Don, River Rother or canal shall not begin until details of the pipeline, including its horizontal and vertical alignment, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details.

Reason

To ensure that the development does not compromise the existing flood defences and is compatible with proposed flood defences.

08

The development hereby approved shall be carried out in accordance with the Ecological Mitigation measures outlined within paragraphs 4.3.4, 4.4.2, 4.4.3 and 4.4.6 of the Rotherham DHN Project Ecological Assessment Revision 01 dated June 2019.

Reason

To ensure the development is carried out in an appropriate manner and to protect local nature conservation in accordance with Policy CS20 'Biodiversity and Geodiversity' and relevant guidance contained within the NPPF.

09

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

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

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

Reason

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

Informatives

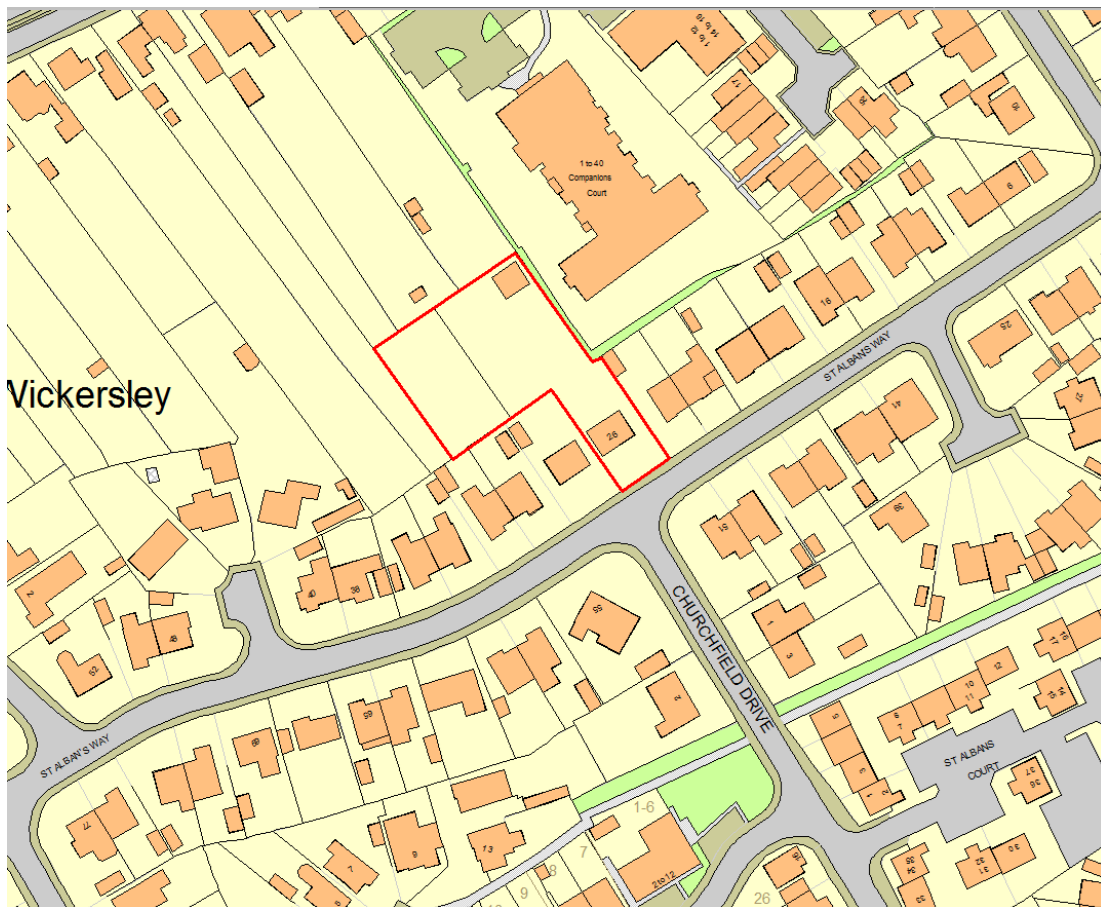
N/A

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2019/1279 https://rotherham.planportal.co.uk/?id=RB2019/1279
Proposal and Location	Demolition of existing dwellinghouse & erection of 8 No. apartments at land rear of 26 St Albans Way, Wickersley
Recommendation	Grant Conditionally

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



Site Description & Location

The site currently comprises of a single dormer bungalow which fronts St Albans Way together with its associated rear garden area which extends across the rear of No. 28.

Immediately to the east of the site is an existing retirement village which comprises of 39 apartments contained within a 3 storey building and accessed off Companions Close and built in 2015. To the west and north are private garden areas associated with residential properties on St Albans Way and Bawtry Road.

Within the confines of the site are various outbuildings and a number of trees are located around the boundaries.

Background

There is no planning history relevant to this application.

Proposal

The application seeks permission for the demolition of No. 26 St Albans Way and the erection of 8 No. 2 bed apartments. The design introduces a single apartment block, two storeys in height with a hipped roof.

Vehicular access would be gained directly off St Albans Way, where No. 26 currently stands and 12 no. car parking spaces are provided within the confines of the site.

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

Local Plan policy(s):

CS3 Location of New development
CS19 Green Infrastructure
CS120 Biodiversity and Geodiversity
CS21 Landscape
CS25 Dealing with Flood Risk
CS28 Sustainable Design
SP11 Sites in Residential Areas
SP12 Development on Residential Gardens
SP26 'Sustainable Transport for Development'
SP32 Green Infrastructure and Landscape
SP33 Conserving and Enhancing the Natural Environment
SP52 Pollution Control
SP55 Design Principles

Other Material Considerations

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

National Planning Policy Framework: The revised NPPF came into effect 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 a site notice along with individual neighbour notification letters to adjacent properties. 52 letters of representation have been received including one from Wickersley Parish Council. The main points are summarised below:

Principle and General Appearance

- This proposal comprising an apartment block represents backland development of a form and density which is out of keeping with the character of St Alban's Way which primarily comprises bungalow development.
- I think it is totally inappropriate to build apartments on an estate which is predominantly bungalows where most are occupied by older people. Any age group could buy these apartments and cause noise from cars and music at all hours.
- Apartments in this location are completely inappropriate. There are no 2 storey properties along St Albans Way, let alone apartments.
- The proposed development are contrary to points b and c of Policy SP12 'development on Residential Gardens'.
- The ward of Bramley, Wickersley and Ravenfield has sites identified in the Councils Local Plan totalling 23.57 Hectares enough for 572 new houses, which exceeds the number identified in the Local Plan as required for this Ward and more than enough before inappropriate development of this backland site.
- The flats are not in keeping with the area. The majority of properties are bungalows so more bungalows no flats, this is obviously just to make profit for the builders.
- It's not in keeping with the architecture with the rest of the road. Flats are not needed. There are quite a lot of flats built in this area and no more are needed.
- The location, height and scale of this development will dominate the outlook from the rear of 28-32 St Alban's Way and overshadow the rear gardens of those properties. It therefore represents an obtrusive form of development which is contrary to policy SP 12 of the Local Plan.
- I would be horrified if the new building was to be anything like on the scale of the flats at the rear of Churchfield Drive/Sycamore Farm Close, which completely dominate the large houses in the vicinity. If it dominates large four bedroom houses, what effect would it have on single storey properties?

Residential Amenity

- Invasion of privacy of existing properties due to the height of the block
- The increase of noise and pollution possibility of up to 16 extra vehicles parked very close to our apartment block
- The apartments which will be built in the neighbours garden will overlook many of the adjacent properties.
- Although (the amended site access) moves the traffic from being directly against our boundary moving the entrance a few feet is not going to reduce the added congestion and traffic flow problems which will be caused on St Albans Way by

the considerable number of vehicles likely to need access to this site. We do note on the amended block plan of the site there is indication of allowance for further potential development which would mean this access would eventually become a major thoroughfare.

- The bin deposit has been moved. As it was previously sited against our rear boundary we objected to its proximity to our house because of the potential noise, smell, flies and rodents it could generate. The new siting is even worse as it would be right outside our front window.

Landscape and Ecology

- The proposed development will result in a loss of trees which have an amenity value to the area. This cannot be adequately compensated by new landscaping given the cramped nature of this development. Furthermore, whilst the landscape report suggests that some trees such as the ash can be retained as part of this development, the site layout suggests that this will not be possible given that the parking area extends right up to the boundary of the site. The applicant should therefore be asked to submit a detailed site layout which clearly indicates which trees are to be removed and which trees are to be retained.
- Until very recently the land in question has many trees and is a haven for wildlife. Birds, bats and squirrels could be seen frequently in the area but, just prior to submitting the planning application for this development some of those trees were felled and ruined the environmental oasis which had existed here.
- No amount of new planting will compensate, once disturbed the wildlife will not return as the mature trees and habitats will be lost and will not re establish on a similar level for decades.
- The Arboricultural Impact Assessment states that 'the trees that require removal are all lower value, retention category 'C''. In these current times when we are trying to find ways to mitigate climate change it cannot be appropriate to remove trees and hedges.
- The car parking encroaches into the edge of the tree Root Protection Area. Even if the proposed car park is not dug out potential negative impacts are only minimised by a porous final surface.
- These trees and hedges provide a haven for wild-life including endangered species. The vegetation can be quickly removed but it will take many years to replace by which time the wild-life will have long departed.
- We are objecting to this application as there are no ecology surveys available for us to ascertain any ecological impact of this development, and we have received concerns from local residents regarding reports of protected species around the site.

Traffic and Road Safety

- There is no provision for refuse, emergency and delivery vehicles to access and turn round within the site. This could lead to vehicles having to back out onto St Alban's Way close to the junction with Church Fields Drive resulting in a traffic hazard.
- The road infrastructure on the estate is not designed for the level of traffic it gets now, certainly not for an increase of 12 which is the number of spaces being provided.
- The new access is almost directly opposite Churchfield Drive which would be dangerous particularly in morning rush hour when the current Churchfield Drive/ St Albans Way junction is very busy due in part to motorists using Churchfield Drive as a shortcut from Morthen Road to Bawtry Road to avoid holdups at

Wickersley roundabout and as is the case with motorists using rat runs to try to save time on their journey they tend to drive quickly and much too quickly for the estate roads and tight junctions.

- The introduction of another vehicular access opposite Churchfield Drive could be dangerous.
- My carers need parking and access also I would not feel safe on my scooter with lorries going to the building site, then extra traffic would not help me feel safe on what is now a very quiet road.
- Do not wish more traffic to be passing down Tanfield way, or church field drive past my property to the new dwellings when my young children will be out playing which they do very often.
- Increased risk of road accidents as there is already enough traffic directed down from the tanyard shopping centre without anymore being added.
- It will mean that more cars are on St Albans road, it's busy enough during term time.
- Insufficient on site parking to accommodate future residents
- Making what amounts to an offset junction connecting with this area will increase the potential danger (pedestrian and highway safety). Any risk assessment would show this to be undesirable. It should also be realised that Churchfield Drive slopes down to the junction and in the winter many vehicles loose traction and slide into this junction. The danger is obviously recognised as a sand bin is provided at the junction. This is a further reason for not further complicating the traffic flow.
- The roads which would be affected by the increased volume of traffic - Fairways, Tanfield Way, St Alban's Way are already in a dangerous, disgraceful condition, and the additional traffic generated by the planned building would exacerbate this problem.
- Many children ride their bikes along St Alban's Way on their way to Sorby Way Park. Additional traffic in this area would obviously be a further hazard.

Drainage

- the existing drainage was designed for the 1972 development of the estate and is already overstretched resulting in several visits a year from Yorkshire Water to clear blockages to the main combined sewer in the rear gardens of properties on St Albans Way, partly caused by the additional recent developments off Fairways of Companions Ct and adjacent newer retirement flats block. The current system cannot accommodate more development.
- As a resident on St Albans Way we have suffered a lot of sewage problems over the past few years, which have been made worse since the McCarthy Stone Development was built on Companions Court.
- Yorkshire Water have checked my drains with cameras and confirm that the problem is not mine but from blockage higher up in the main drain. Yorkshire Water confirmed the blockage is due to large fat balls from the Tanyard restaurants/takeaways and can confirm on the Yorkshire Water website that they have been on St Albans Way many times to solve the drainage and smells

Other matters

- The retired and elderly use St Albans way as main access to the Tanyard for shops, banks, doctors & pharmacies
- I am elderly and did not come to lovely Wickersley in my later years to have a building site outside my home

- Habbin homes doing enough building the overpriced homes that are at the bottom of Morthern Road that they can't sell?? More houses are not needed, due to increased pressure on doctors, shops etc, and loss of natural wildlife. Plus a block of flats aren't exactly aesthetically pleasing.
- Set a precedent to other local home owners that developments will be granted regardless of whether there is a requirement for said building or the sensitivity of others, and provide a catalyst for others to do the same.
- Decrease in the living standards of the neighbours immediately adjacent to the proposed development, by increased noise, overlooking of existing properties, increased traffic, and i fear reduced values of their own property's.

In addition to the above, 2 requests from local residents and one from Wickersley Parish Council have been received asking to speak at Planning Board.

Consultations

RMBC Transportation Infrastructure Service acknowledge that the site layout has been amended to provide a manoeuvring facility for a small delivery vehicle and secure cycle parking. It is also noted that the current proposed layout would only be suitable to be upgraded at a later date to adoptable standards if the car parking facilities were to be relocated. This being the case, no objections to the granting of planning permission in a highway context are raised subject to conditions.

RMBC Drainage do not object in principle to this application, but have concerns about the proposals for surface water drainage. Accordingly a condition is recommended requiring the submission of a foul and surface water drainage scheme prior to the commencement of development.

RMBC Environmental Health acknowledge that the site is close to existing residential properties and as such there is potential for disamenity from noise and dust during the construction phase. Accordingly a number of informatives are recommended advising the applicant of acceptable working practices.

RMBC Land Contamination note that the site was undeveloped / agricultural land from approximately 1888 until at least the early 1950's. The next available map of 1976 shows the site to be developed with a residential property and garden area which are still in existence. Based on the former history of the application site and surrounding sites it is highly unlikely that significant contamination of the ground and controlled waters has occurred.

RMBC Landscape made comment on the original submission, however following the submission of an amended landscape plan raise no objections subject to the imposition of conditions.

RMBC Tree Service raise no objections to the proposed development in principle, however made comment regarding the formation of the car park over the root protection area of T14. An amended layout to address this point has since been submitted and as such no further concerns are made subject to the imposition of conditions.

RMBC Ecology has considered the content of the Preliminary Bat Roost Assessment and concurs with the assessment and findings. As such no objections are raised on the grounds that the proposed development will affect roosting bats. It is acknowledged

that the garden had features of ecological interest, principally the mature native trees but it is understood that several of the trees have been removed.

Sheffield Area Geology Trust has reviewed this planning application and has no objections.

Sheffield and Rotherham Wildlife Trust originally objected to the proposed development on the grounds that there being was bat survey. Upon submission of this survey a further response was received withdrawing their objection.

Yorkshire Water raise no objections to the proposed development subject to a condition requiring the development to be carried out with separate systems of drainage for foul and surface water.

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 of Development
- Siting, Layout and Design
- Amenity of Future Residents
- Highway Considerations
- Landscape, Trees and Ecological Considerations
- Drainage

Principle of Development

The site in question is allocated for Residential purposes within the Local Plan. Policy SP11 'Sites in Residential Areas' states that areas identified for residential use shall be retained primarily for residential use, and that all residential uses shall be considered appropriate in these areas and will be considered in light of all relevant policies. Core Strategy Policy C3 'Location of New development' sets out relevant sustainability criteria which should be taken into consideration within any planning application.

The site is located within a sustainable location, close to local amenities, transport links and other dwellinghouses. Accordingly, it would satisfy the requirements of Policies CS3, CS33 and SP11.

Siting, Layout and Design

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

Policy SP12 'Development on Residential Gardens' goes on to state that proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:

- a) the proposals would allow for a comprehensive scheme in the wider area to be achieved in the future; and
- b) the proposal does not harm the amenity of existing properties by overlooking, loss of privacy, loss of light or obtrusiveness; and
- c) development would not result in harm to the character of the area.

Finally policy SP55 'Design principles' states that regard must be had, amongst other things, to

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

Turning firstly to the site layout it is noted that the site currently comprises of the site of an existing bungalow and its rear garden area and as such Policy SP12 applies. This policy seeks to protect existing garden areas from development unless they meet the defined criteria.

In this regard, the proposals are assessed below against the 3 criteria set out in the policy:

- a) the proposals would allow for a comprehensive scheme in the wider area to be achieved in the future;

The site represents an area currently occupied by a bungalow and its rear garden. To the east of the site is an existing retirement village which comprises of 39 apartments contained within a 2 storey building, accessed off Companions Close. To the west and north are private garden areas associated with residential properties on St Albans Way and Bawtry Road. The garden areas to the north extend to approximately 140m in length.

The proposed development seeks permission for the erection of a 2 storey block of 8 apartments with access directly off St Alban's Way. This access extends into the site where a private car park is provided. The car park and access have been designed to extend up to the northern boundary to provide future opportunities for access to the land beyond, should development be considered in the future.

It is acknowledged that to bring this access up to adoptable standards, the car parking facilities would need to be relocated, however this would be a consideration when determining any future application on the land beyond.

Taking the above into account, it is considered that the proposed development would allow for a comprehensive development scheme on the application site and land immediately to the north given future access opportunities has been protected in the proposed scheme,

- b) the proposal does not harm the amenity of existing properties by overlooking, loss of privacy, loss of light or obtrusiveness;

In assessing the impact of the proposed development on existing properties by reason of overlooking and loss of privacy, the South Yorkshire Residential Design Guide states that separation distances of at least 21 metres between principle elevations and at least 10 metres between principle elevations and rear boundaries should be achieved.

In this regard, the proposed building has been designed with its principle elevation facing eastwards. Within this elevation are a number of habitable room windows. Likewise the rear elevation, which faces westwards, has the same number of habitable room windows. These elevations are positioned 15.4m and 10m from their respective boundary and 22m from the side elevation of the block of apartments off Companions Close.

The side elevations, which face north and southwards include 4 windows in each and are secondary windows that serve the kitchen area of the open plan living/kitchen area. These windows therefore serve habitable rooms; accordingly the separation distance outlined above should be achieved. However in this instance they have been designed as high level to allow natural daylight to penetrate the room but prevent views in and out. Taking this into account, whilst the separation distance between No. 28 and the proposed apartment block fall short of the 21m outlined in the SYRDG, the design and location of the windows will prevent any overlooking and thereby protect the amenity of existing and future occupants.

Having regard to the impact of the development in terms of loss of light or obtrusiveness, the property most affected by the development is no. 28 St Alban's Way. This is a single storey bungalow with dormer windows in the front and rear elevations. The rear elevation of this property is sited approximately 14.2m from the rear boundary and approximately 16.7m from the side elevation of the proposed building. Furthermore, the proposed building has been sited to clear a 25 degree line from the centre point of the lowest window in the existing property. This guidance is outlined in the SYRDG to protect the amenity of existing residents in terms of loss of natural daylight. Other neighbouring properties are less affected by the proposed development as they are located further away from the development site or are of similar scale to the proposals.

Having regard to the comment made by the neighbouring resident who raises concerns about the location of the bin store. It is acknowledged that this is shown to be located close to the entrance to the site; however it will be screened by a 2m high fence and new landscaping. Accordingly it is not considered that its location will give rise to any noise or odour problems.

Taking the above into consideration, the proposed apartment block would not give rise to any overlooking or privacy issues. In addition, it would not appear overbearing or oppressive when viewed from neighbouring properties or from within adjacent private rear gardens due to the spacing distances and would not give rise to any overshadowing or a significant loss of direct sunlight and / or natural daylight.

Therefore, from the submitted plans the scheme can be accommodated on the site and would satisfy the required spacing distances to ensure that there is minimal impact on the amenity of neighbouring residents. Accordingly, from the information outlined above it is considered that the proposal would comply with criterion b of Policy SP12 'Development on Residential Gardens'.

c) development would not result in harm to the character of the area.

The proposed development will sit to the rear of properties on St Albans Way which consist of single storey bungalows. However it is important to note that situated beyond the eastern site boundary is a three-storey retirement apartment complex. With this in mind, and having regard to its close proximity to the application site, it is considered that the introduction of a two storey building form between this and dormer bungalows to the south will not have a detrimental impact on the character and appearance of the area and will allow the individual developments to satisfactorily co-exist.

Turning further to the scale of the proposed building, the introduction of a hipped roof design will also further assist in integrating the scheme to the immediate area, and reduce any issue of it being out of keeping with its neighbours or introducing harm to the character of the area

Having regard to all of the above, it is considered that the design is not out of keeping with the prevailing pattern and grain of newer development within both adjacent backland locations and the immediate area. Accordingly, the proposed development satisfies the requirements of criterion C of Policy SP12 'Development on Residential Gardens'.

Amenity of Future Residents

Having regard to the amenity of future residents, the SYRDG sets out guidelines for minimum internal spacing standards. For 2 bedroom properties, the minimum floor area achieved should be in excess of 62sqm. In this instance, all of the proposed apartments provide 2 bedrooms and an open plan living/kitchen area extending to approximately 74sqm. Accordingly, the proposed development will provide an acceptable standard of living for future occupants.

Turning to the provision of outdoor amenity space, shared private space for flats must be at least 50m² plus an additional 10m² per unit added to the shared private space, which would equate to 130m² in this instance. The proposed layout has included an area of private space extending to 313m² to the rear of the building, along the western section of the site. This area will be landscaped and therefore provide an attractive shared amenity space for future residents which significantly exceeds the minimum requirements in terms of site area.

Taking the above into account, the proposed development will provide an acceptable standard of amenity for future residents when assessed against the relevant guidance contained within the SYRDG.

Highway Considerations

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

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

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

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

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

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

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

Paragraph 111 goes on to note that: *“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”*

The proposed development includes the provision of a new access off St Albans Way and the formation of a parking court which includes provision for the parking of 12 vehicles. This level of parking complies with the Council’s minimum parking standards for residential developments of this nature. Plans have also been amended during the determination of the application to provide a turning head which will enable delivery vehicles manoeuvre within the site and leave in a forward gear.

In addressing some of the other concerns raised by local residents, the current highways on the estate are designed to accommodate the existing and additional development if required. The width of carriageway / footways are standard and do not require widening to accommodate the proposed development.

The new access has been assessed by the Council’s Transportation Service and is considered to be acceptable to accommodate the proposed development, in that inter-visibility is available to both cars and pedestrians.

Turning to the introduction of additional vehicular movements on the highway, whilst 12 car parking spaces are to be provided within the confines of the site, this does not necessarily result in 12 additional cars using the highway at the same time. Accordingly, the proposal will not introduce an unacceptable number of trips onto the existing highway network. Furthermore the site is located in close proximity to the village centre with good access to local facilities such that these facilities will be within walking distance for future residents which may discourage short car journeys.

Having regard to the above, it is considered that the proposed development would not have a detrimental impact on highway safety or have a negative impact on the free flow of traffic within the area. The proposals are therefore considered to comply with the requirements of Policies CS14 and SP26 of the adopted Local Plan.

Landscape, Trees and Ecological Considerations

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 –

- 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.

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."

A Tree Survey and Landscape plan has been submitted in support of the application. The Tree Survey indicates that there are 17 trees on site including groups and 11 trees or hedge/tree groups will require removal to accommodate the proposed development. The trees that require removal are classified as lower value, retention category C and as a result will have only a minor negative arboricultural impact.

The Council's Tree Service have considered the contents of the Tree Survey and the impacts of the proposed development and do not raise any objections in principle, however requested amendments to the layout of the car parking area as 2 of the bays fell within the root protection area of Tree T14. The Agent amended the layout of this area to address these concerns and a landscape plan has been submitted which shows the planting of 3 extra heavy standard trees primarily around the entrance to the site and a further 5 heavy standard trees along the western boundary and car parking area. Further ornamental shrub planting and grassed areas are proposed to the rear of the building and either side of the access.

On the basis of the submitted plan, the Council's Landscape Architect welcomes the additional tree planting as mitigation for the ones that will be lost as part of the development proposals. Furthermore, the use of appropriate materials for construction of the hard landscaping will need to be considered further, however this can be adequately dealt with via the imposition of a suitably worded condition.

Turning to the impact of the development on local wildlife, concerns have been raised by local residents that the removal of trees within the site will have a negative impact on the local wildlife's natural habitat and foraging bats have been witnessed within the site. The Council's Ecologist has commented on the application and has confirmed that the site lies outside of a bat constraint zone. The main ecological issues therefore relates to the demolition of properties is whether bat roosts are present in the building. The Bat Conservation Trust Guidelines (Collins 2016) have a trigger list of properties which are most likely to support roosting bats. Modern (post-1960) buildings such as this one are less likely to support bats because they are more likely to be occupied and therefore warm and in good condition. Modern buildings are also likely to have closer fitting roof features which would prevent ingress by bats and less likely to have features that bats favour such as wooden joists and large vaulted ceilings.

In this regard a Bat Roost Assessment was submitted which confirms that no field sign evidence synonymous with bat use of the buildings or trees within the site boundary was recorded. Furthermore, no potential roost features were recorded during the survey. Accordingly, it is accepted that foraging and roosting bats will be unaffected by the proposed development. Notwithstanding this, it is accepted that the site could be used by hedgehogs, nesting birds and other garden wildlife. Conditions are therefore recommended to protect these species during construction.

Having had regard to all of the above, it is considered that sufficient tree planting is proposed to mitigate the loss of the existing trees and consideration has been given to

the protection of retained trees. An acceptable landscape scheme has been provided which is an suitable balance between providing an attractive setting for future residents and wildlife alike. Furthermore, safeguards for the protection of local wildlife can be put in place in the form of conditions. Accordingly, the development is considered to accord with the provisions of policies CS19, CS21 and SP32.

Drainage Matters

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 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."*

A preliminary drainage plan has been submitted in support of the application which shows surface water being drained to two large soakaways, one to the rear of the building and the other adjacent to the car parking court. This design is based on a

phase 1 Site Investigation, which is only a desk top study and as such no site testing has been carried out yet. The ground investigation for the adjacent development encountered heavy clays which is unsuitable for infiltration.

If infiltration does prove unsuitable, an alternative discharge point for surface water will be required. Accordingly, in order to deal with this uncertainty and to ensure an appropriate method of surface water drainage is provided it is recommended that a suitably worded condition be imposed requiring the submission of a detailed drainage scheme.

Having regard to foul drainage, the Applicant has indicated that sewer records show an existing combined sewer located at the rear of no. 26 St Alban's Way. Invert levels of this sewer are currently unknown; however in view of the topography of the site a pump station may be required. Again, given the unknowns, a suitably worded condition is recommended which requires the submission of a detailed foul drainage scheme.

It is acknowledged that a number of concerns have been raised by local residents that the existing drainage was not designed to accommodate future growth within the area and problems have occurred since the retirement complex was completed to the east of the site. With this in mind, both Yorkshire Water and the Council's Drainage Engineer have been consulted on the application and raise no objections subject to conditions

Having regard to all of the above, it is considered that the proposed development can be adequately served by the existing drainage system and is therefore in accordance with the provisions of Policies CS24 and SP47.

Conclusion

It is concluded that the application represents an acceptable form of development on land allocated for residential, which is of an appropriate design that would not adversely affect the character or appearance of the locality or significantly affect the setting of the adjacent listed building. Furthermore, subject to conditions, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or drainage, ecological, environmental or mining concerns, while providing much need affordable housing.

The proposal is therefore considered to comply with the up-to-date development plan and there are no material considerations that would conflict with this, thus as advocated in paragraph 11 of the NPPF the proposal constitutes sustainable development and the application should be approved "without delay".

The application is therefore recommended for approval subject to the conditions listed below.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 07, 10 and 11 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.

ii. The details required under condition numbers 07, 10 and 11 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

01

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

Reason

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

02

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

- Proposed Site Plan – Dwg No 6 Rev A
- Proposed Elevations – Dwg No. 3
- Proposed Floor Plans – Dwg No, 2
- Site Sections – Dwg No, 4
- Site Survey – Dwg No. 5
- BDS Centurion Shelter – 10 bikes or more
- Landscape Details Dwg No. R/2290/1A

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

No above ground development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to first occupation

Reason

In the interests of the visual amenity of the area and in accordance with Core Strategy Policy CS28

05

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

06

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 public sewer network

07

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

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

Reason

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

08

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

09

Prior to any above ground development, details of any external lighting to the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how the lighting meets the guidance provided by the Institute of Lighting Engineers in their document "Guidance Notes for the Reduction of Light Pollution". The approved lighting details shall be implemented unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of the residential amenity in accordance with the guidance contained within the NPPF.

10

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees and hedgerows has been submitted and its installation on site has been approved in writing by the Local Planning Authority.

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

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

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including

external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

*Using the most recent revision the of the Standard

** Plans must be of a minimum scale of 1:200 (unless otherwise agreed by the Local Planning Authority)

Reason:

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

11

No operations shall commence on site in connection with the development hereby approved until a suitable scheme of proposed tree planting and tree pits have been 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 nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

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

Reason:

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

12

No above ground development shall take place until a detailed landscape scheme has been submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

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

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and 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 relevant local plan policies.

13

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 relevant local plan policies.

14

All works (including site clearance) should be undertaken outside the breeding bird season (typically March to September, inclusive). In the event that this is not possible, works should not commence until a walkover survey has been submitted to and approved in writing by the Local Planning Authority.

Reason

In order to make adequate provision for species protected by the Wildlife & Countryside Act 1981.

15

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

Reason

To ensure sufficient parking facilities are provided within the site.

16

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

Reason

In the interests of highway safety.

17

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

Reason

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

18

If subsoil's / topsoil's 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 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 Council 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.

19

A design sulphate classification of DS-2 and the corresponding aggressive chemical environment for concrete (ACEC) AC-1 should be adopted for all sub surface concrete due to the potential for elevated soluble sulphate content within the anticipated made ground at the site.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

The drainage details submitted on drawing X dated July 19 prepared by RAB Engineering Design LTD are NOT acceptable to Yorkshire Water. The following point(s) should be addressed. For further information, the developer should contact our Developer Services Team (telephone 0345 120 84 82, technical.sewerage@yorkshirewater.co.uk):

- i) the submitted drawing should show the site-surveyed position of the public sewer crossing the site
- ii) the submitted drawing should show foul and surface water drainage proposals both on and off site

03

It is noted from the submitted planning application that surface water is proposed to be drained to soakaway.

04

On the Statutory Sewer Map, there is a 150 mm diameter public combined sewer and a small diameter public foul sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2000).

A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2019/1332 https://rotherham.planportal.co.uk/?id=RB2019/1332
Proposal and Location	Change of use from a house in multiple occupation to a mixed use of a house in multiple occupation with an ancillary office (use class Sui Generis) at 106 Broom Lane, Broom, 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 application site relates to No. 106 Broom Lane, located within the established residential area of Broom, where the adjacent properties are similar in design and layout.

No. 106 Broom Lane is a two-storey semi-detached dwelling constructed in brick with a gable roof, with existing two-storey and single-storey side extensions. The front garden (which is shared with the neighbouring property) has been hard-surfaced and provides off street parking for approximately 6 vehicles.

Background

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

RB1995/1477 – Change of use from residential dwelling to 6 bed-sits and 1 flat – Granted Conditionally

RB2018/0225 – Internal alterations to form 3 No. apartments – Refused

Proposal

The current application is seeking planning permission for the change of use from a house in multiple occupation and a single flat to a mixed use of a house in multiple occupation with an ancillary office (use class Sui Generis).

The Roundabout charity provides housing and support to young people in South Yorkshire and offers accommodation for young single people who are at risk of homelessness. There would be a member of staff on site 24/7, including weekends and Bank Holidays.

Development Plan Allocation and Policy

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

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

Core Strategy policy(s):

CS3 'Location of New Development'

CS28 'Sustainable Design'

Sites and Policies

SP11 'Development in Residential Areas'

SP55 'Design Principles'

Other Material Considerations

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

National Planning Policy Framework: The revised NPPF came into effect 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 and individual neighbour notification letters to adjacent properties. The Council has received 13 written objections. The contents of which are summarised below;

Objections

- This property was adapted and altered well before the planning application was put forward as building works have taken place and the occupants have already moved in. The scheme appears to have been undertaken underhandedly and without any thought to the other residents within the adjacent properties, or even those residents within the other side of the 106 Broom Road property.
- On a regular basis bottles and cans are stuffed into the bushes at the front of my property and worry that these will be thrown over at some point onto the garden and potentially my children. As a female, I also find it intimidating when large groups of people congregate around the front of the property.
- Excessive noise throughout the night, foul language, intimidation, littering, drug dealing, and damage to my property and vehicles, increase in burglaries around Broom Road and lots of police presence in the area recently, this house being the hub of the problem of the anti-social behaviour. It's not just the residents of 106 that's the issue, as other people they associate with is having an impact on the local community.
- There are vehicles picking up female residents and not returning for significant periods of time.
- A house of multiple occupancy that needs 24 hour support must require very high standards of health and safety and close contact with the council. The general lack of supervision has resulted in some problems for nearby neighbours as we never see any staff come out to deal with it.
- Broom Road is definitely the wrong place for this type of establishment and is causing distress, health problems and a deterioration of the standards in the

neighbourhood. The inclusion of this type of property on Broom Road has the potential to devalue the area.

- The application states vehicle parking is not relevant. With 4 residents and 6 full time staff I disagree. Broom Road is already a busy road where residents struggle to park and cross the road safely. The change of use will compound this.

Consultations

RMBC – Transportation and Highways Design: No objections

Appraisal

The main considerations of the application are as follows:

- i) Principle of conversion of the flat into an office
- ii) Impact on the surrounding uses
- iii) Impact on the amenity of neighbouring residents;
- iv) highway safety
- v) Other issues

Principle of change of use

Local Plan Policy SP11 Development in Residential Areas indicates that

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

- a. are ancillary and complementary to the residential nature and function of the area; and*
- b. are no larger than is required to meet the needs of local residents; and*
- c. will not have an unacceptable impact on the residential amenity of the area; and*
- d. demonstrate how they will be of benefit to the health and well-being of the local population..”*

The predominant character of the surrounding area is of residential properties, and the property was granted planning permission in 1995 for a House in Multiple Occupation (HMO) for 6 people and a separate flat under application RB1995/1477. This application is essentially to change the use of the flat into an ancillary office to support the residents and does not result in the provision of an additional HMO. It is therefore considered that the principle of a revised single HMO with ancillary office is acceptable.

Impact on the amenity of the locality

There are residential properties around the site and in terms of noise and disturbance the proposed use is unlikely to generate a significant increase in the number of individual trips to and from the property than would otherwise occur from a single dwellinghouse. As such and in this edge-of-centre location on a classified road, the

property is not considered to result in any additional noise or disturbance than the current lawful use which is for a house in multiple occupation and a flat which was approved in 1995.

It is worth noting that under permitted development rules a single dwelling house can change to a HMO for up to six persons without planning permission.

Paragraph 127 (f) of the NPPF states planning decisions should: *“...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.”*

It is noted from the letters of complaint received by the Council that there are multiple concerns as to the potential for anti-social behaviour resulting from the residents and visitors to 106 Broom Road.

The conversion of the rear, ground floor flat to an ancillary office would result in there being one or more members of staff from the Roundabout charity being on-site at all times. This new installation of a permanent member of staff at the property will by its very nature raise and install a level of supervision not presently in place. Accordingly, it is considered that the proposal to have 24 hour supervision will reduce the likelihood of anti-social behaviour occurring at the property.

In light of the above it is considered that the proposal would not have an adverse effect on the amenity of neighbouring residents and would be in full compliance with paragraph 127 of the NPPF and Sites and Policies SP11 ‘Development in Residential Areas’ and SP55 ‘Design Principles’.

Impact on highway safety

The CEO of Roundabout has stated that the charity employs 6 community staff, however, there will usually be two members of staff on site from 9am to 5pm Monday to Friday and one member of staff on site the rest of the time. The highway immediately outside the application site has parking restrictions in the form of double yellow lines at the junction of Broom Road and Broom Crescent and the Council’s Highways Officer is satisfied that there is appropriate off-road car parking provision made available on the site frontage and that as the site is in close proximity to public transport facilities, there are no objections to the granting of planning permission in a highway context.

Other issues

A number of the objectors refer to the character and motives of present and future occupiers of the HMO. From a planning perspective this is not something that can be afforded any material planning weight in the determination of this application.

The use of private hire cars by residents at various times of the day has been raised by the complainants, and this is neither unlawful nor a material planning consideration. In addition, it is also considered that as a charity focussed upon helping disadvantaged individuals, the safeguarding of those in the charity’s care would be a primary function of Roundabout.

The perception that house prices shall be devalued as a direct result of the proposal is also not an issue that can be taken into consideration and has been given no weight in this recommendation.

Conclusion

Having regard to the above, it is concluded that the principle of changing the use of the flat to an office to support the HMO is acceptable and would not have a detrimental or significant adverse impact on the host property, the amenity of neighbouring residents, the surrounding area or the adjacent highway network. Accordingly, for the reasons detailed in this report the application is recommended for approval subject to conditions.

Conditions

01

The 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 Plan – Dwg No. 566A_177952_679055
- Location Plan – Dwg No. 566A_177952_679462
- Existing Floor Plans – Dwg No. 107276_180779_753743
- Proposed Floor Plans – Dwg No. 107276_180779_755681

Reason

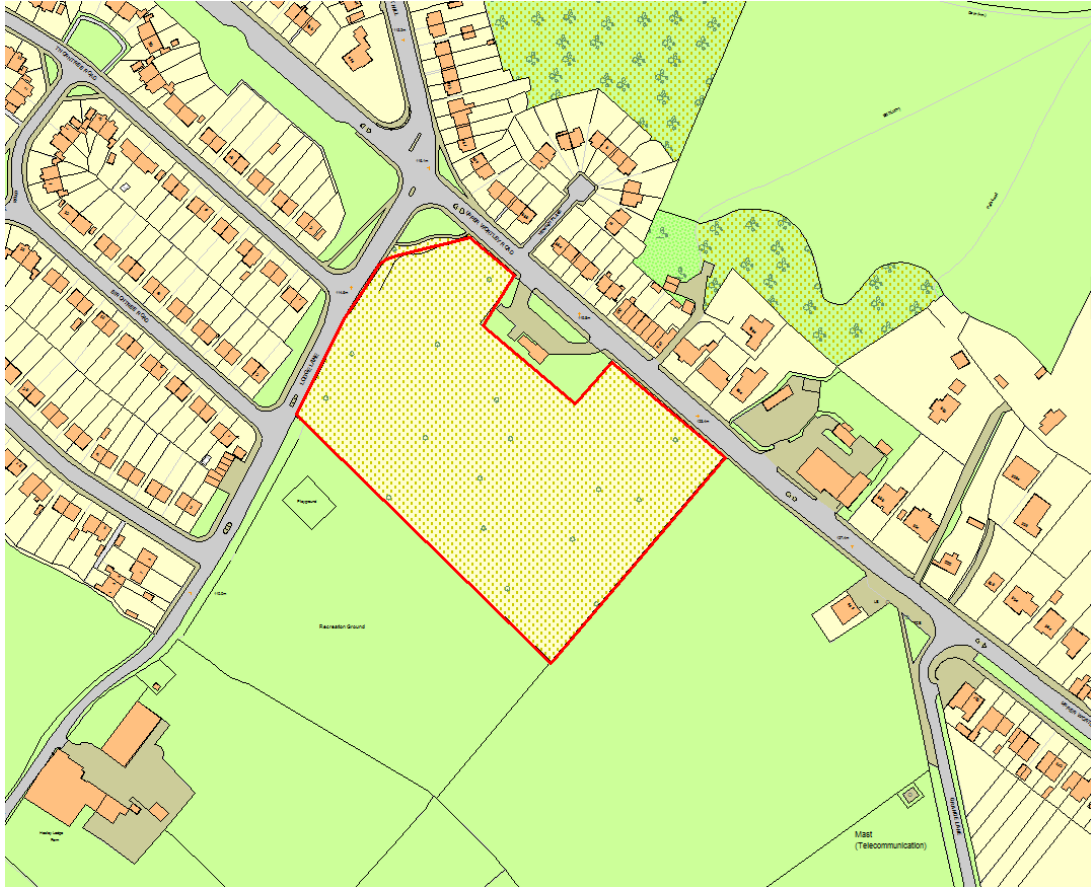
To define the permission and for the avoidance of doubt.

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	RB2019/1350 https://rotherham.planportal.co.uk/?id=RB2019/1350
Proposal and Location	Erection of 52 No. dwellinghouses with associated enabling works at land off Upper Wortley Road and Lodge Lane, Thorpe Hesley, Rotherham
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"> • Education Contribution = £126,468 • Green Space Contribution = £20,315.88 • Sustainable Travel contribution £500 per dwelling house - 52 x £500 = £26,000 • Affordable housing 25% policy position = 13 units in total • Delivery of affordable housing = 5 x 2 bedroom bungalows on site, on a “2 for one” basis so they are the equivalent of 10 x 2 bedroom houses. • A commuted sum will be payable for the non-delivery of three units on site. This commuted sum is set at £60,000 per unit (total consideration £180,000). This is 40% of the estimated value of 3 x 2 bedroom dwelling houses. <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the following conditions:</p>

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



Site Description & Location

The application comprises the erection of 52 dwellinghouses with associated enabling works at land off Upper Wortley Road and Lodge Lane, Thorpe Hesley, Rotherham. The site is currently vacant and lies within an area allocated for residential purposes in the Local Plan, having been removed from the Green Belt as housing site allocation H37. The site is 2.17 hectares.

The site has boundaries with the Green Belt to the south-east and south-west and fronts the busy road corridor of Upper Wortley Road. Lodge Lane equipped play area and open space is located to the south of the site. A visually prominent feature adjacent to the site is the presence of a car wash located centrally along the Upper Wortley Road boundary.

Fragmented and out grown hedgerows of predominantly Hawthorn species define the site boundaries in particular forming a significant buffer between the site and the Green Belt. The site is entirely within the Wentworth Green Infrastructure corridor (GI corridor) and within Wentworth Parklands – Fringes Landscape Character Area.

Background

The site has been subject to numerous planning applications over the years, which are summarised below. At the time the previous applications were submitted the site fell within the Green Belt, though upon the adoption of the Sites and Policies Document on 27 June 2018 the site was re-allocated for residential purposes.

RC1961/0773 - Outline application for 35 houses – Refused

RB1980/2440 - Raising of land levels – Refused

RB1980/3383 - Outline for a bungalow – Refused

RB1986/1416 - Outline for retail superstore sports centre public house shops & parking
– Refused

Proposal

The application seeks full planning permission for the erection of 52 dwellinghouses. The plans have been amended during the course of the application to satisfy comments from the Council's Highways, Landscape and Drainage departments and the Architectural Liaison Officer from South Yorkshire Police.

The dwellings comprise of 11 different dwelling types, consisting of 19 three bedroom houses, 27 four bedroom houses, 1 five bedroom house and 5 two bedroom bungalows.

This application is subject to the Council's affordable housing policy of 25% affordable housing, which equates to 13 units on site. On this occasion the developer is bringing forward 5 x two bedroom bungalows suitable for older people. As one bungalow is taken in place of two townhouses this equates to ten units of housing. The developer has agreed to pay a commuted sum in lieu of on-site delivery of three units.

The layout plans allow for access to/from the land to the south, comprising a recreation ground and play area.

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

Design and Access Statement

The vision for the site is to deliver a fully integrated addition to the existing community of Thorpe Hesley, compatible with the character and appearance of the surrounding area.

The scheme has evolved over time going through a number of design changes in response to pre-application meetings, discussions with local authority planning officers, highways and drainage engineers.

The proposed land use of the site is mainly residential, including affordable housing, to create a sustainable, integrated neighbourhood that complements its surroundings.

The design for the proposed scheme is based on the principles set out in Manual for Streets, South Yorkshire Residential Design Guide and the Rotherham Local Plan, supporting the creation of a new neighbourhood, where the layout of buildings provide good visibility and legibility, as well as a sense of place.

Heritage Statement for Archaeology

Archaeological Research Services Ltd was commissioned by Redmile Homes to produce an archaeological desk based assessment for the proposed residential development.

The assessment has identified that there are no known archaeological remains or historic buildings within the site of the proposed development but historic mapping,

previous desk based assessments, archaeological fieldwork and data from the South Yorkshire Sites and Monuments Record and National Register for Historic England have identified numerous features in the immediate vicinity of the PDA that are related to the extraction industries of coal and ironstone that date to the medieval and post-medieval periods.

It is recommended that, in order to mitigate any potential loss of archaeological remains, a programme of archaeological works initially in the form of trial trenching should take place before any ground works associated with the proposed residential development are conducted. Depending on the results of the trial trenching, further archaeological work (e.g. open area excavation) may be required to investigate and record any significant archaeological remains encountered at the site.

Land Contamination Assessment

Due to previous mine workings a 1m incombustible capping is required for gardens and soft landscaped areas where coal or coal-rich materials are present within the upper 1m to prevent any potential combustion. Similarly, coal or coal-rich soils surrounding electricity cables should be removed to a distance of 1m from the service in all directions and replaced with appropriate, non-combustible, fill.

Where capping is not required a minimum 100 mm thickness of topsoil should be placed in gardens and landscaped areas to provide a suitable growing medium. This may need to be increased to 300 mm where soils with a high granular content are encountered.

Noise Assessment

A noise impact assessment was been undertaken for the proposed residential development, where the ambient noise climate at the application site is principally due to road traffic on the A629 Upper Wortley Road and (to a lesser extent) Lodge Lane and the M1 motorway, with occasional localised contributions associated with the adjacent car wash business. It is considered that good levels of internal amenity will be achieved throughout the application site with standard double glazing and non-acoustic trickle vents, to protect the proposed residential development from the ambient noise climate.

Tree Survey

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

Ecological Report

It is recommended that, when the vegetation on the site is cleared, this is done with care and in the event that any large animal holes are uncovered these are left undisturbed and are checked by an ecologist to confirm if they are used by badgers.

As there could potentially be a negative impact on foraging and commuting bats, it is recommended that bat activity surveys are carried out of the site. In line with the Bat

Conservation Trust Good Practice Survey Guidelines, sites that exceed 1 hectare in size that are of moderate value for foraging and commuting bats, should have one bat transect survey carried out each month between April and September/October inclusive and automated surveys should be carried out at one location on the site per transect, by leaving an a bat detector on the site for at least three consecutive nights each time.

It is recommended that the initial vegetation clearance/site clearance is carried out outside the nesting bird season. It is inevitable that there will be numerous birds' nests on the site during the nesting season and it is impractical to carry out a nesting bird survey of the site with such dense vegetation levels.

To compensate for loss of nesting habitat, it is recommended that a variety of planting is carried out on the site that will provide nesting opportunities for birds in the future, and that at least ten integrated bird boxes are provided in the walls of the new buildings on the site.

It is recommended that prior to any site clearance a hedgehog hibernacula is provided on one of the boundaries to be retained. It is then recommended that the piles of small trees and branches at ground level are cleared carefully by hand to allow any hedgehogs present to escape. In the event that hibernating hedgehogs are found it is recommended that these are moved to the hibernacula.

It is recommended that 13cm x 13cm holes are cut into the bottom of the new fence lines on the site, or gaps are left under the fences, to allow hedgehogs to freely move across the area. In addition, it is recommended that some log piles are created along the retained hedgerow boundaries for hedgehogs to take refuge in.

Building for Life Assessment

Transport Statement

Having due regard to Paragraphs 108 and 109 of the NPPF, the Transport Statement demonstrates that residents would have various opportunities to travel by sustainable modes, a safe and suitable access arrangement can be provided, and that the development will not lead to a server impact on the surrounding highway network. It is therefore considered that given adequate parking has also been provided on site, the proposed development would comply with both national and local planning policy and best practice.

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 application site was allocated for Green Belt purposes in the Rotherham UDP. However, the adopted Sites and Policies Document allocates the site for 'Residential' purposes on the Policies Map (H37).

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

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS3 'Location of New Development'
CS6 'Meeting the Housing Requirement'
CS7 'Housing Mix and Affordability'
CS14 'Accessible Places and Managing Demand for Travel'
CS20 'Biodiversity and Geodiversity,'
CS21 'Landscapes'
CS28 'Sustainable Design'
CS25 'Dealing with Flood Risk'

Sites and Policies Document:

SP1 'Sites Allocated for Development'
SP32 'Green Infrastructure and Landscape'
SP36 'Soil Resources'
SP37 'New and Improvements to Existing Green Space'
SP55 'Design Principles'

The Barnsley, Doncaster and Rotherham Joint Waste Plan

WCS7 Managing Waste in all Developments

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 notices and letters to neighbouring properties. The Council received four representations, which are summarised as follows:

- The proposed development site has long been neglected and full of rodents and is a health hazard. Whilst development is supported, the site's drainage is of concern.
- Whilst the new dwellings are supported in principle, these extra dwellings will create more traffic and access issues at the junction of Brook Hill, Upper Wortley

Road and Lodge Lane; there is already too much traffic as it is at rush hour periods.

- There are no objections to the planned new development; however there will be an increased number of vehicles on this part of the road due to the number and type of new properties. We would therefore recommend the installation of traffic management processes to improve visibility and therefore road safety.
- The road is increasingly busy at peak times and throughout the day. Access to the site appears to be mainly via Upper Wortley Road. Would it not be less intrusive to have this mainly via Lodge Lane?

Consultations

RMBC Transportation Infrastructure Service – no objections subject to conditions

RMBC Environmental Health – no objections subject to conditions

RMBC Drainage – no objections subject to conditions

RMBC Ecology – no objections subject to conditions

RMBC Landscape Design – no objections subject to conditions

South Yorkshire Archaeology Service – no objections subject to conditions

Land Contamination - no objections subject to conditions

Architectural Liaison Officer S Y Police – no objections

Geology (SAGT) – no objections

The Coal Authority – 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
- Highway Safety

- Flood Risk, drainage and pollution control Issues
- Noise and amenity
- Affordable Housing
- Education
- Land Contamination, Coal Mining and Soil Resources
- Archaeology
- Ecology
- Other considerations

Principle

The site is currently identified for residential use in the Local Plan (allocation H37) within which policy SP1 'Sites Allocated for Development' and is considered suitable for 52 dwellings.

CS1 'Delivering Rotherham's Spatial Strategy' states most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. Thorpe Hesley is identified as a Local Service Centre, which is proposed to provide 170 dwellings as part of the Local Plan.

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

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

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

Paragraph 12 of the NPPF states: "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."

The principle of residential development on this site is therefore acceptable and in line with relevant planning policy.

Design, Scale and Appearance

SP55 'Design Principles' states: "All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working

environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings”.

This approach is echoed in National Planning Policy in the NPPF. The NPPF at paragraph 124 states: “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Paragraph 130 adds: “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.”

In addition, CS21 ‘Landscapes’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. Furthermore, CS28 ‘Sustainable Design’ indicates that proposals for development should respect and enhance the distinctive features of Rotherham and design should take all opportunities to improve the character and quality of an area and the way it functions.

The South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located. Having regard to the site layout, the applicant has worked with the Council to ensure that the whole site can be comprehensively developed to achieve the density required as part of the Local Plan allocation.

Furthermore, the layout has been revised and proposes one single new junction arrangement onto Upper Wortley Road which would negate the need for multiple highway accesses. A further single access on Lodge Lane is also proposed to serve the five two-bedroom bungalows.

In terms of the design of the dwellings, the proposal contains a mixture of hipped and gable roofed properties both with bay window features at ground floor and architectural features in respect of heads and sills that would run through the scheme. The five-bed house type would have rooms in the roofspace served with dormer windows to the front and rear. There will also be a mixture of dwellings with internal garages both single and double as well as properties with detached garages. All the dwellings have adequate amenity space and appropriate outlooks, with internal space exceeding the Council’s minimum requirements.

The mix of dwellings types is also good with 2 to 5 bedroom properties and affordable units providing a good mixed community.

The scheme includes some landscape details with front boundary detailing, tree planting and front garden lawns. This will help to break up the car parking areas and also provide a good and attractive frontage to Upper Wortley Road and throughout the site.

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use

of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling.

Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and the proposal is considered to be well-designed scheme that respects the character of the immediate surrounding area.

Highway Safety

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 site is ideally located with bus stops on Upper Wortley Road outside the site providing existing and future residents with public transport links to Rotherham, Sheffield and Barnsley. In addition the site is in close proximity to the M1 motorway at junction 35 which ensures it would be suitably located for people to get to work or access leisure, retail, health and public services.

The amended site layout complies with both the guidance and principles of the South Yorkshire Residential Design Guide and Manual for Streets. In addition the proposed car parking levels on site comply with the Council’s minimum residential standards.

Pedestrian access to the site will be provided via the proposed accesses off Upper Wortley Road, with dropped kerbs and tactile paving provided.

A travel plan linked to the trip rates in the Transport Assessment has been submitted and the travel plan is an acceptable framework that should be supported by funds from the £500 per house sustainable transport contribution, secured by a legal agreement.

The Transport Assessment together with the internal road layout plans and new junction to Upper Wortley Road indicate that subject to conditions, the local highway network will be able to cope with traffic generated once the development is completed and a Construction Traffic Management Plan will be submitted and approved before works commence to ensure disruption during construction is kept to a minimum.

Taking the above into account and subject to the applicant entering into a legal agreement for the sustainability contribution the proposal is acceptable in a highways context. Accordingly, 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.

Drainage and Flood Risk Issues

The site is located with Flood Zone 1, but given the size and scale of the development there is potential for increased surface water flows through the development that could impact on future residents of the scheme and existing residents of neighbouring properties. A flood risk assessment and drainage details have been submitted in support of the application.

Policy CS25 'Dealing with Flood Risk' states proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall.

Policy SP47 'Understanding and Managing Flood Risk and Drainage' states the Council will expect proposals to demonstrate an understanding of the flood route of surface water flows through the proposed development; control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS) and consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding problems. These policies are supported by paragraphs 163 and 165 of the NPPF.

The Council's Drainage Engineer has indicated that the drainage design and calculations are acceptable subject to conditions being appended to any permission to ensure a foul and surface water drainage scheme for the site is submitted and approved before works commence and a flood route drawing is also provided before the dwellings are occupied.

It is therefore considered that subject to conditions the proposed development would comply with the requirements of the NPPF at paragraphs 163 and 165 and policies CS25 'Dealing with Flood Risk' and SP47 'Understanding and Managing Flood Risk and Drainage'.

As such it would raise no drainage or flood risk issues either to future residents of the site or residents of existing surrounding properties.

Noise and amenity

Where issues of noise impact are concerned the NPPF provides brief guidance in paragraph 170 where it states that planning policies and decisions should contribute to and enhance the natural and local environment by: *'preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of.....noise pollution'*.

Paragraph 180 advises that: *'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should.....mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life'*.

With regard to extant community noise sources and the potential to affect proposed new developments, Paragraph 182 states that: *'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'*

Adjacent to the development site is a car wash and motor vehicle sale business, which lies in separate ownership.

The existing car wash business is subject to a condition via a previous planning permission to only be open to customers or for deliveries between the hours of 08:30 and 18:00 hours, so as to maintain an acceptable level of amenity for the existing local community.

A noise impact assessment has been undertaken for the proposed residential development by Environmental Noise Solutions Limited, who concluded the ambient noise climate at the application site is principally due to road traffic on the A629 Upper Wortley Road and (to a lesser extent) Lodge Lane and the M1 motorway, with occasional localised contributions associated with the adjacent car wash business.

The report recommended a scheme of sound insulation works, including acoustic fencing and appropriate glazing to protect the proposed residential development from the ambient noise climate.

The Architectural Liaison Officer from South Yorkshire Police raised concerns that the boundary treatment between the proposed new dwellings and the car wash was of insufficient height.

The Council's Environmental Health Officer also recommended that in order to screen noise associated with the adjacent car wash, a 2.4 metre high acoustic fence is installed to all gardens which front towards the car wash, and that a 1.8 metre high acoustic

fence to be installed to gardens which back onto Upper Wortley Road, (Plot 1 and Plots 42-46), to protect external amenity of the future residents.

The layout has been amended to include all of these details and the recommendation includes a specific condition to secure the provision of these.

Affordable Housing

With 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...

For this development to satisfy RMBC's policy position of 25% affordable housing, it would require 13 units in total.

The Council's Affordable Housing Officer has confirmed that there is a demand for 2 bedroom bungalows in the area, and that the developer can deliver 5 x 2 bedroom bungalows on site, on a 'two-for-one' basis, meaning they are the equivalent of 10 x 2 bedroom houses. A commuted sum will be payable for the remainder. This commuted sum is set at £60,000 per unit (total consideration £180,000), which is 40% of the estimated value of 3 x 2 bedroom dwelling houses.

Accordingly, the unit types and affordable housing provision is acceptable and would be secured by a legal agreement.

Education

From the centre of the application site, Thorpe Hesley Junior and Infant Schools are 562 metres and 666 metres away respectively, and it is considered this development will add further pressure to the schools and as such a financial contribution per dwelling minus the affordable housing units, is therefore required towards education provision for improvements to schools in the Thorpe Hesley area.

Of the 52 dwellings there are:

- 1 x five bed;
- 27 x four beds;
- 19 x three beds; and
- 5 x three bed bungalows (all affordable)

1	x £2927.5	= £2927.5
27	x £2927.5	= £79,042.5
19	x £2342	= £44,498
5	x £0	= £0

Total = £126,468 education provision

The developer has agreed to this and forms part of the legal agreement.

Land Contamination, Coal Mining and Soil Resources

The development site falls within an area defined as a Development High Risk Area by The Coal Authority, indicating that there is a significant risk to development of the application site from one recorded mine entry and historic shallow coal mine workings.

The applicant submitted a Phase 2 Geotechnical and Geo-Environmental Site Investigation Report based on a comprehensive review of available coal mining information and from the results of intrusive site investigations.

Initially The Coal Authority were unsupportive of the development, however upon thorough inspection of the abandonment plans and other records available for the site, there was no evidence to suggest the shafts initially shown on the Coal Report are actually present.

The Coal Authority has no record of workings in the Top Fenton, Fenton and Low Fenton (2nd Brown Metal/Old Hard) seams within influencing distance of the site and. Although the consultant's report mentions two seams outcropping at this location, The Coal Authority have no record of workings associated with these seams.

The only seam with recorded workings that could affect the site is the Silkstone but the shallowest recorded depth is 137m as per the report, with the proposed development going down to a maximum depth of 30m.

After extensive research The Coal Authority has no evidence to indicate the existence of the mine entries at this location, coupled with the fact that the British coal Shaft Register indicates 'possible shafts' at the location. In light of the lack of evidence The Coal Authority have removed them from their database.

The possibility of unrecorded shafts being present still cannot be ruled out and it is therefore recommended that a site-wide strip is carried out to inspect for unrecorded shafts, and to determine the extent of shallow working (i.e. bell pits), before construction works can commence.

Accordingly, The Coal Authority stated that additional investigations were no longer considered necessary and withdrew their initial recommendation to refuse the application in lieu of conditions being imposed.

The Council's Land Contamination Officer considers that remediation works will be required to ensure the site is fit for purpose and will not pose any risks to human health. It is considered likely that a soil capping layer in all gardens and areas of soft landscaping will be required.

It is also recommended that further site investigation works be undertaken to identify a shaft thought to be present on site. Multiple bellpits/surface workings are also expected to be present along the south western boundary of the site. Such features should be investigated following a site wide soil strip and removal of the 2m spoil-pile/bund identified on site and presumed to be present from historical mining activities.

Soil/made ground samples were collected from across the site and submitted to an accredited laboratory for chemical testing. The majority of contaminants identified were below governmental guideline values for a residential end use. The only exception to this was an elevated lead concentration in one sample of soil. Based on this elevated result 4 further samples of soil were collected to delineate the affected area and the results of testing revealed significant concentrations of lead. It is concluded that a hotspot of lead contamination is present on site and further site investigation is required to determine the full extent of lead contamination.

Elevated TPH and PAH was also recorded in one sample of spoil taken from the spoil-pile/bund. Further testing is required on this large stockpile of material to determine its suitability for use on site.

Gas monitoring was undertaken at the site on six occasions. The results presented show that no methane gas was detected; however carbon dioxide gas was recorded with a maximum concentration of 5.2% (v/v), although no positive flow rates were recorded. Carbon dioxide gas concentrations have marginally exceeded the threshold for an Amber 1 Gas Characteristic Situation and therefore all properties must have precast floors with a ventilated void space beneath.

In addition to the above, policy SP36 'Soil Resources' states: 'Development will be required to demonstrate the sustainable use of soils during construction and operation stages, where appropriate and to be determined in discussion with the Local Planning Authority.'

No information regarding the above has been submitted by the applicant. However, a suitably worded condition requiring the details of the quality of soils on site and their movement and temporary storage during construction to be submitted and approved would be sufficient to satisfy policy SP36.

Archaeology

The archaeological implications of development on this plot were reviewed as part of the Local Plan Site Assessment undertaken by Wessex Archaeology in 2013. This was a very basic scoping review, aimed at determining which sites had no concerns and which needed further work. Wessex considered this site as having "Potential archaeological objections to development".

Following this review, the South Yorkshire Archaeology Service (SYAS) recommended that any developer commissions an archaeological desk-based assessment. An archaeological desk-based assessment has been carried out by Archaeological Research Services Ltd for Redmile Homes and has been submitted in support of the application. The assessment has identified that there are no known archaeological remains or historic buildings within the site of the proposed development but historic mapping, previous desk based assessments, archaeological fieldwork and data from the South Yorkshire Sites and Monuments Record and National Register for Historic England have identified numerous features in the immediate vicinity of the development site that are related to the extraction industries of coal and ironstone that date to the medieval and post-medieval periods.

It is recommended that, in order to mitigate any potential loss of archaeological remains, a programme of archaeological works initially in the form of trial trenching should take

place before any ground works associated with the proposed residential development are conducted. Depending on the results of the trial trenching, further archaeological work (e.g. open area excavation) may be required to investigate and record any significant archaeological remains encountered at the site.

Therefore, subject to conditions requiring a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation to be submitted and approved before works commencement, the proposed development is considered acceptable.

Ecology

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 Extended Phase 1 Habitat Survey and bat survey submitted in support of the application is considered to raise no significant issues and its contents are generally supported. However, the Council's Ecologist has recommended that native trees and wildflower species are incorporated into any subsequent landscape scheme that will be submitted and any vegetation clearance is undertaken outside of the breeding bird season (March – August). Furthermore, they have indicated that a condition should be imposed requiring details of how bat bricks / tiles shall be incorporated into the fabric of the dwellings to provide opportunities for roosting bats to maintain continued ecological function in accordance with the aforementioned policies and to provide net gains for biodiversity.

In addition a further condition shall be imposed requiring the submission of a lighting plan to help minimise light pollution and to reduce the impact on retained habitats. Therefore from the information provided and subject to conditions the proposal would help minimise impacts on biodiversity and provide net gains for biodiversity.

Accordingly, 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'.

Provision of Open Space on site

Core Strategy Policy CS22 'Green Space' states that: 'The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to developers on the contributions expected. Rotherham's green spaces will be protected, managed, enhanced and created...' Policy CS22 refers to detailed policies in the Sites and Policies Document that will establish a standard for green space provision where new green space is required. Policy SP37 'New and Improvements to Existing Green Space' states that: 'Residential development schemes of 36 dwellings or more shall provide 55 sq. metres of green space per dwelling on site to ensure that new homes are: i) within 280 metres of Green Space ii) ideally within 840m of a Neighbourhood Green Space (as identified in the Rotherham Green Space Strategy 2010); and iii) within 400m of an equipped play area.'

The proposal comprises of 52 dwellings and the type and quantity of green space which will normally be required as a result of housing developments of this scale includes children's play space, informal space and informal landscaped areas.

An extensive area of public open space and an equipped children's play area lies directly to the south of the development site, within the Green Belt allocation, connected by a public access. As such, it is considered that the future residents of the development site will have access to sufficient green space and the developer will provide a Green Space Contribution of £20,315.88 secured by the legal agreement.

Other considerations

The issues raised by residents have been considered as part of the determination of this application. All of the issues raised have been assessed and addressed in the preceding sections of the report and it is considered that for the reasons outlined above the proposal is in compliance with the requirements of the National Planning Policy Framework, the Council's adopted Local Plan and relevant guidance documents.

The proposal is therefore considered to comply with the up-to-date development plan and there are no material considerations that would conflict with this, thus as advocated in paragraph 11 of the NPPF the proposal constitutes sustainable development and the application should be approved "without delay".

Planning Obligations

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

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

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

All of the tests must be complied with and the planning application must be reasonable in all other respects. This is echoed in Paragraph 56 of the NPPF.

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

- Education Contribution – 47 units x £2,342 = £110,074
- Green Space Contribution = £20,315.88
- Sustainable Travel contribution £500 per dwelling house - 52 x £500 = £26,000
- Affordable housing 25% policy position = 13 units in total
- Delivery of affordable housing = 5 x 2 bedroom bungalows on site, on a “2 for one” basis so they are the equivalent of 10 x 2 bedroom houses.
- The Council R.M.B.C are offered the first option to purchase the units at a price to be agreed between the Redmile Homes and the Council.
- The bungalows should be rented tenure
- If the Council do not reach agreement to purchase the affordable housing units then they should be transferred to a Registered Provider of Social Housing (Housing Association).
- Failure to agree terms will a Registered Provider and sell the units will mean that a commuted sum is payable in lieu of on-site delivery. This commuted sum is the equivalent to 40% of the open market value of each bungalow.
- A commuted sum will be payable for the non-delivery of three units on site. This commuted sum is set at £60,000 per unit (total consideration £180,000). This is 40% of the estimated value of 3 x 2 bedroom dwelling houses.

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

Conclusion

In light of the above it is concluded that the proposed erection of 52 dwellings with associated infrastructure represents an acceptable use of the site that will not adversely affect the character, appearance or amenity of the area. The scheme is considered to be in full compliance with the provisions of the NPPF and policies of Rotherham’s Local Plan.

The application is therefore recommended for approval subject to conditions and the signing of a s106 agreement for the provision of affordable housing and financial contributions towards improvements to schools in Thorpe Hesley, open space and sustainable travel measures.

Recommendation

- A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:
- Education Contribution = £126,468
 - Green Space Contribution = £20,315.88
 - Sustainable Travel contribution £500 per dwelling house - 52 x £500 = £26,000
 - Affordable housing 25% policy position = 13 units in total
 - Delivery of affordable housing = 5 x 2 bedroom bungalows on site, on a “2 for one” basis so they are the equivalent of 10 x 2 bedroom houses.

- Failure to agree terms with a Registered Provider and sell the units will mean that a commuted sum is payable in lieu of on-site delivery. This commuted sum is the equivalent to 40% of the open market value of each bungalow.
- A commuted sum will be payable for the non-delivery of three units on site. This commuted sum is set at £60,000 per unit (total consideration £180,000). This is 40% of the estimated value of 3 x 2 bedroom dwelling houses.

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

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 06, 07, 12, 15, 17, 23, 24 and 30 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.

ii. The details required under condition numbers 06, 07, 12, 15, 17, 23, 24 and 30 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

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. 566A_178385_369909
Block Plan	– Dwg No. FS914050
Planning Layout	– Dwg No. LLTH/PL/01 rev H (received 27/11/19)
Longitudinal Sections	– Dwg No. 1119-2-1 A
Site Sections	– Dwg No 566A_178385_367487
Design and Access Statement	– Dwg No 566A_178385_366690
Engineering Layout	– Dwg No 1119-1 rev E (received 22/11/19)
Visual Impact Assessment	– Dwg No 103260_185633_984189
House Types	
Monsal Elevations	– Dwg No AS2/MO-04 (received 21/10/19)

Monsal Ground Floor Plan	– Dwg No 4B-D/MO-02 (received 21/10/19)
Monsal First Floor Plan	– Dwg No 4B-D/MO-03 (received 21/10/19)
Alnwick Plans & Elevations	– Dwg No 2B-T/AI/01
Doveridge Elevations	– Dwg No AS2/DO-04
Doveridge Ground Floor Plan	– Dwg No AS2/DO-02
Doveridge First Floor Plan	– Dwg No AS2/DO-03
Whestone Elevations	– Dwg No AS2/WH-04
Whestone Ground Floor Plan	– Dwg No 4B-D/WH-02
Whestone First Floor Plan	– Dwg No 4B-D/WH-03
Wessington Elevations	– Dwg No 4B-D/WE 05
Wessington Ground Floor Plan	– Dwg No 4B-D/WE02
Wessington First Floor Plan	– Dwg No 4B-D/WE 03
Tideswell Elevations	– Dwg No 3B-S/TI-01
Tideswell Floor Plans	– Dwg No 3B-S/TI-02
Wardlow Elevations	– Dwg No 3B-S/WA-01
Wardlow Floor Plans	– Dwg No 3B-S/WA-02
Curbar/Hopton Elevations	– Dwg No 3B-S/CU/HO-01
Curbar/Hopton Ground Floor Plan	– Dwg No 3B-S/CU/HO-02
Curbar/Hopton First Floor Plan	– Dwg No 3B-S/CU/HO-03
Edensor Elevations	– Dwg No 4B-D/ED-04
Edensor Ground Floor Plan	– Dwg No AST/CA-02
Edensor First Floor Plan	– Dwg No 4B-D/ED-03
Cromford Elevations	– Dwg No 3B-D/Cr-02
Cromford Floor Plans	– Dwg No 3B-D/Cr-01 B

Reason

To define the permission and for the avoidance of doubt.

03

Prior to the occupation of plots 24-38 and plots 41-46, a 2.4 metre high acoustic fencing shall be installed to all gardens which front towards the car wash. The fence should be built in double-thickness solid timber construction. The barrier should have no gaps or holes (cover strips should also be used to prevent gaps forming over time) and should be fully sealed at the ground (i.e. include a gravel board).

Reason

In the interests of residential amenity.

04

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

Reason

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

05

Prior to the occupation of the first dwelling a management company shall be established to maintain all communal landscaped areas as shown on the Proposed Layout Plan

LLTH/PL/01 rev H. The management company shall thereafter manage and maintain these areas for the lifetime of the development.

Reason

To ensure the satisfactory management and maintenance of these areas.

06

Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include: - details of the proposed access to the site for all vehicles associated with the development on the application site; - traffic management measures during the construction work; - the location of the site compound and staff parking; - measures to deal with dust; - measures to deal with mud in the highway; - details of the quality of soil and its movement and temporary storage during construction - details of proposed hours of construction on/deliveries to the site; and such further matters as the Local Planning Authority may consider necessary.

Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990 .Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court.

Reason

In the interests of highway safety and residential amenity.

07

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

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

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

Reason

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

08

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

Reason

In order to prevent a nuisance/ loss of amenity to local residential areas

09

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

Reason

In order to prevent a nuisance/ loss of amenity to local residential areas

10

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

Reason

In order to prevent a nuisance/ loss of amenity to local residential areas

11

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

Reason

In the interests of highways safety

12

Before the commencement of the development, details of the improvements to the pedestrian dropped crossings and central Islands in Upper Wortley Road and Lodge Lane as shown in draft form on DRG No LLTH/PL/01 rev H and widening of the footway in Upper Wortley Road on the site frontage shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of a dwelling.

Reason

In the interests of highways and pedestrian safety.

13

Before the development is brought into use, that part of the site to be used by vehicles shall be properly constructed with either a/ a permeable surface and associated water retention/collection drainage, or b/ an impermeable surface with water collected and taken to a separately constructed water retention / discharge system within the site. All to the satisfaction of the Local Planning Authority and shall thereafter be maintained in a working condition.

Reason

14

Before the development is brought into use the car parking area shown on Drg No LLTH/PL/01 rev H 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.

15

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

Reason

No details having been submitted they are reserved for approval.

16

Before the development is brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority

Reason

In order to promote sustainable transport choices.

17

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

Reason

In order to ensure a well-managed construction site

18

Details of the boundary treatment of the highway boundary on Lodge Lane shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of any dwelling.

Reason

In the interests of the visual amenity and road safety of the area

19

Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the garages for plots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 32, 33, 34, 47, 48, 49, 50, 51 and 52 shall always be made available for the parking of motor vehicles.

Reason

So as to ensure that on site car parking facilities are provide in accordance with the Council's Car Parking Standards

20

Landscaping of the site as shown on the approved plans (drawing no. LLTH/PL/01 revG, 13598_LD_01 revB, 02 revB, 03 revB and 04 revA) 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

21

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

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

Reason

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

the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

22

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

Reason

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

23

Prior to development commencing further limited and targeted Phase II Intrusive Site Investigation works should be undertaken, to confirm the nature, presence and extent of contamination within hotspot areas/spoil bund and to identify the presence of surface mining workings where coal is close to outcrop/bellpits/shafts and to confirm the risks they present to human health. A scope for investigation works will be forwarded to the Local Authority for review and comment prior to any investigation works commencing.

The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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.

24

Prior to development commencing a Remediation Method Statement shall be provided and approved by this Local 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 full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

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

25

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

Reason

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

26

Foundations for the site shall be in accordance with section 7.3 of the above report entitled Phase 2 Geotechnical and Geo-Environmental Site Investigation at Land at Lodge Lane, Thorpe Hesley – prepared by Eastwood & Partners, dated 17th October 2019, reference 43978-003, Issue 2.

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.

27

Gas protection measures for all properties will be compliant for an Amber 1 Gas Characteristic Situation and will comprise of precast floors with a ventilated floor space. Design drawings shall be provided confirming how this specification will be adhered to.

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.

28

If subsoils / topsoils are required to be imported to site for remedial works or garden/soft landscaping areas, 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.

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.

29

Where subsurface concrete will be in contact with made ground/colliery spoil a design sulphate classification of DS-2 and the corresponding aggressive chemical environment

for concrete (ACEC) AC-4z should be adopted due to elevated soluble sulphate content within the soils and made ground across the site. This specification can be reduced to DS-1 and AC-3z where concrete will be in contact with natural ground. Where contact is made with thermally altered clays, sulphate precautions should be increased to DS-3 and AC-5.

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.

30

Prior to the commencement of development the specification of suitable water supply pipes shall be submitted to and approved in writing by this Local Authority to ensure resistance from chemical attack from residual contaminants remaining in the ground.

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

Following completion of any remedial/ground preparation works a Validation Report should be forwarded to the Local Authority for review and comment. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site. 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.

32

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

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);

- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

Reason

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

33

Construction of roads or dwellings shall not begin until a flood route drawing has been submitted to and approved in writing by the Local Planning Authority. The drawing shall show 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. The development shall not be brought into use until such approved details are implemented.

Reason

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

34

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

Reason

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

35

Prior to the first dwelling being occupied an external lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Plan should: - use low pressure sodium lamps or high pressure sodium instead of mercury or metal halide where glass glazing is preferred due to its UV filtration properties; - show lighting directed to where it is needed and light spillage avoided. This can be achieved through design and using accessories such as hoods, cowls, louvres and shields; - provide lighting as low as guidelines permit; - direct light to the immediate area only by using as sharp a downward angle as possible.

Reason

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

Positive and Proactive Comment

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

Application Number	RB2019/1468 https://rotherham.planportal.co.uk/?id=RB2019/1468
Proposal and Location	Erection of new building with link extension, external works including formation of new access road, service yard, staff parking and erection of substation, cycle store and picnic area, at A E S Engineering Ltd, Mill Close, Templeborough, Rotherham.
Recommendation	Grant subject to conditions



Site Description & Location

The application comprises the erection of a new industrial unit adjoining the existing AESSEAL premises on Mill Close, Templeborough. The site lies within the Industrial and Business Use allocation in the adopted Rotherham Local Plan. The wider site is an industrial and business park known as Bradmarsh Industrial Estate, which is characterised by a variety of buildings in varying sizes that are in use for a number of B1, B2, B8 and compatible Sui Generis uses.

Background

AESSEAL are a global manufacturer of mechanical seals and equipment, exporting to 230 locations in 104 countries, employing nearly 400 staff. The company was

established in 1979, presently operating their primary headquarters at Mill Close, Rotherham, where they have been located since 1996.

The planning history for the site goes back to 1989, when the site was remediated to accommodate laboratories and offices, and was initially occupied by Yorkshire Water.

The original buildings were demolished following the 2012 application by AESSEAL, the subsequent planning history is summarised below:

RB2012/1591 - Application to determine whether prior approval is required of the method of demolition and restoration of the site re: demolition of two storey and single storey laboratory buildings – GRANTED

RB2013/0926 - Erection of sub-station - GRANTED CONDITIONALLY

Proposal

The proposed development is the creation of a new building which shall link to AESSEAL's existing facility on the adjacent site at Mill Close. The new building comprises a 5490 sqm single-storey machine shop supporting a range of state-of-the-art computerised machines; and two-storey office accommodation. The new facility will be linked to the existing building by a new two-storey glazed structure containing the new single entrance to the entire integrated facility. The building will provide a new machine workshop enabling the production of mechanical seals.

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 an Industrial and Business use allocation in the Local Plan.

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

CS3 Location of New Development
CS19 Green Infrastructure
CS20 Biodiversity and Geodiversity
CS25 Dealing with Flood Risk
CS28 Sustainable Design
CS33 Presumption in Favour of Sustainable Development
SP16 Land Identified for Industrial and Business Uses
SP32 Green Infrastructure and Landscape
SP33 Conserving and Enhancing the Natural Environment
SP47 Understanding and Managing Flood Risk and Drainage
SP55 Design Principles
SP57 Sustainable Construction

The Barnsley, Doncaster and Rotherham Joint Waste Plan:

WCS7 Managing Waste in all Developments

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 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 (22 September 2019), in the Rotherham Advertiser (27 September 2019) and letters to neighbouring premises (19 September 2019). The Council received one representation, from the Sheffield and Rotherham Wildlife Trust which is summarised as follows:

- The proposal is in situated within a Flood Zone and given the issues with the ground conditions, would like to recommend that the applicant and RMBC seriously consider the use of a green roof on at least part of the planned new building in this case. It looks like there may be solar panels on one aspect of the roof only for example.
- We would expect to see native trees and shrubs utilised as well as native perennial plants.
- We recommend that a detailed Ecologically Landscape Plan and an Ecological Management Plan are made conditions which need to be signed off by RMBC's Ecologist as well as the Landscape Officer.

Consultations

Transportation Infrastructure Service – no objections subject to conditions

Neighbourhoods (Environmental Health) – no objections subject to conditions

Community Safety and Streetscene (Drainage) – no objections subject to conditions

Ecology – no objections subject to conditions

Architectural Liaison Officer S Y Police – no objections

Geology (SAGT) – no objections

Land Contamination – no objections subject to conditions

Landscape Design – no objections subject to conditions to cover submission of a detailed planting scheme together with information on detailed aftercare proposals.

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 environment
- Highway Safety
- Drainage and Flood Risk

Principle

The rectangular site is allocated for Industrial and Business purposes in the Local Plan, formerly used as a tip and a laboratory location, prior to demolition, clearance and remediation work in 2013.

The proposed state of the art building, located at a prominent gateway point to the business park, will link to the existing AESSEAL facility and develop a large area of vacant land on a main arterial route into Rotherham.

NPPF paragraph 81 states the planning system should encourage sustainable economic growth, and it is considered the approval of this application would support the economic growth of AESSEAL and the wider borough of Rotherham.

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

The creation of a new integrated production facility is therefore acceptable in principle within this location and in accordance with Policy SP16.

Design, Scale and Appearance

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

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

The proposed unit is to be the flagship global headquarters for AESSEAL and accordingly shall utilise the highest standards in design and materials to minimise its energy requirements through sustainable design and construction. The design has been through a 'Life Cycle Analysis' to assess the appropriate selection of materials, and 'Life Cycle Costing' to calculate the lifespan and performance of the building from an operational aspect to ensure that the building exceeds SP57 policy requirements of BREEAM 'Very Good'

The scale and massing of the proposed new building is very in-keeping with the AESSEAL premises to which the new unit shall adjoin. Whilst the new building takes a contemporary approach on an industrial design, the design references the existing AESSEAL unit so as to tie the pair together.

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 Local Plan policies CS28 'Sustainable Design' and SP55 'Design Principles'.

Impact on the surrounding environment

The site forms part of the Bradmarsh Industrial Estate, which is characterised by B1, B2, B8 and Sui Generis planning uses. To the east of the site is the A630 Centenary Way, with the residential estate of Canklow beyond.

As part of the processing of the application the Council's Environmental Health Service requested further information relating to noise and general disturbance from the new development.

Following the submission of a detailed noise assessment from the applicant, the Council's Environmental Health Service is satisfied that that there will be no adverse effects on surrounding businesses and residential dwellings in terms of noise nuisance. Therefore no mitigation measures are considered necessary.

The site of the proposed new unit has three ponds and the Ickles Goit watercourse in close proximity. The applicant's ecological consultant's, ECUS, suggested that there is a chance that Great Crested Newts could be present based on visual assessments of the three ponds and Ickles Goit undertaken in May this year.

Pond 1 is located at the southern apex of the site; Pond 2 is located along the western edge of the existing main building. Pond 3 is located surrounded on three sides by the same whilst Ickles Goit is outside the applicant's land to the west.

Following discussion with the Council's Ecology Officer, in order to ensure that there would be no disturbance to the habitat of any protected species at the site, it was agreed that the locations where they may be found is fenced and a buffer zone created.

Accordingly, a 5 metre buffer from the new access road will be required as a condition and the fencing maintained in order to protect the watercourses and the associated flora and fauna.

Subject to the above, the creation of the industrial unit and associated infrastructure will not cause any undue harm to the surrounding environment, protected species or the amenities of the occupiers of the neighbouring premises and is considered acceptable and will conform to CS20 'Biodiversity and Geodiversity', and SP33 'Conserving and Enhancing the Natural Environment', which states 'development should conserve and enhance existing and create new features of biodiversity and geodiversity value'.

Highway Safety

The creation of a new access road to adjoining Sheffield Road is proposed in order to facilitate the servicing of the site from the north-western corner.

Following discussions during the determination of the application, revised plans have been submitted based on a 'left in/left out' system with central 'splitter island'. The submitted drawing also indicate a proposed 'No Right Hand Turn' sign, 'Turn Left Only' markings and the use of CCTV monitoring at the junction and has been modified to address the issue raised in the Road Safety Audit, i.e. HGV's turning left out of the site to be accommodated within the westbound lane in Sheffield Road.

Whilst empirical evidence of other similar junctions suggests there is the potential for drivers to seek to turn right into/out of the site, the above traffic management measures, secured by planning condition, would alleviate this concern.

In these circumstances, the Transportation Infrastructure Service is of the opinion that the proposal, if implemented, would not result in an unacceptable impact on highway safety.

The new access road shall also enable the proposed unit to adhere to the criteria within WCS7 'Managing Waste in all Developments'.

Drainage and Flood Risk Issues

Policy CS25 'Dealing with Flood Risk' states proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall.

Policy SP47 'Understanding and Managing Flood Risk and Drainage' states the Council will expect proposals to demonstrate an understanding of the flood route of surface water flows through the proposed development; control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS) and consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding problems. These policies are supported by paragraphs 163 and 165 of the NPPF.

The site lies within Flood Zone 3 and as such the application has been supported with the submission of a Flood Risk Assessment.

The Council's Drainage Engineer initially raised about the concerns about the lack of calculations within the FRA and the finished floor levels. Additional information was submitted and the Council's Drainage Engineer has indicated that the revised drainage design and calculations are now acceptable subject to conditions being appended to any permission to ensure a foul and surface water drainage scheme for the site is submitted and approved before works commence and a flood route drawing is also provided before the building is occupied.

It is therefore considered that subject to conditions the proposed development would comply with the requirements of the NPPF at paragraphs 163 and 165 and policies CS25 'Dealing with Flood Risk' and SP47 'Understanding and Managing Flood Risk and Drainage'.

As such the proposal would raise no drainage or flood risk issues either to future users of the site or occupants of existing surrounding premises.

Conclusion

In light of the above it is concluded that the proposed erection of an industrial unit for AESSEAL represents an acceptable use of the site that will not adversely affect the character, appearance or amenity of the area. The scheme is considered to be in full compliance with the provisions of the NPPF and policies of Rotherham's Local Plan, as such the scheme is recommended for approval subject to conditions.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 15 and 16 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.

ii. The details required under condition numbers 15 and 16 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

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. 566A_179765_841075
Existing Site Plan	– Dwg No. 3028-29 RCA 02 XX DR A 0109
Proposed Site Plan	– Dwg No. 3028 RCA 02 XX DR A 0101 (rev P5 received 18/11/19)
Proposed Site Entrance	– Dwg No. 43864/SK20 (rev B received 18/11/19)
Proposed Elevations	– Dwg No. 3028 RCA 02 XX DR A 0107 rev P1
Proposed Ground Floor Plan	– Dwg No. 3028-29 RCA 02 GF DR A 0102
Proposed First Floor Plan	– Dwg No. 3028-29 RCA 02 FF DR A 0103
Proposed Roof Plan	– Dwg No. 3028 RCA 02 RL DR A 0106
Sub Station Elevations	– Dwg No. 3028/21 (NS) 01 G
Cycle Store Elevations	– Dwg No. 3028-29 RCA 00 XX DR A 0110
Design and Access Statement	– Dwg No. 566A_179765_839278
Tree Protection Plan	– Dwg No. AES03 987

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

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

Reason

To achieve a sustainable form of development in accordance with the NPPF and the Policy SP57 of the Local Plan.

05

The proposed vehicular access to Sheffield Road, indicated on drawing No. 43864/SK20 Revision B, shall not be brought into use unless it has been constructed in accordance with details which shall have been submitted to and approved by the Local Planning Authority.

(NB. These works in the highway will necessitate a S278 Agreement; contact Robert Wright in Highways to arrange. robert.wright@rotherham.gov.uk)

Reason

In the interests of road safety.

06

Prior to the development being brought into use, a Traffic Management Plan shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented throughout the lifetime of the development. The plan shall include signs to advise staff and visitors not to attempt to turn right into or out of the site at the proposed access to Sheffield Road and details of measures to monitor/enforce this restriction.

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

08

Before the development is brought into use the car parking area shown on the 3028 RCA 02 XX DR A 0101 plan shall be provided, marked out and thereafter maintained for car parking.

Reason

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

09

The submitted Travel Plan shall be implemented in full and in accordance with the approved timetable and protocol unless otherwise agreed in writing by the local planning authority. 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.

10

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

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

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

Reason

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

11

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

Reason

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

12

The proposed access to Sheffield Road shall be constructed at a maximum gradient of 5% for the initial 15 metres measured from the highway boundary and at a maximum of 10% thereafter.

Reason

In the interests of road safety.

13

The proposed vehicle (lift up) barrier at the intended access to Sheffield Road shall be located a minimum distance of 25 metres from the highway boundary.

Reason

In the interests of road safety.

14

No development shall take place unless Pond 1 (as shown on Figure 1 of the ECUS report) has been protected from construction by metal fencing (such as Heras fencing) and have at least a 5m buffer strip measured from the edge of the pond (unless specifically agreed) comprising of vegetated ground surrounding it in order to prevent sediment, oil, diesel, etc. entering the pond and to dampen the effects of vibration. The fence shall remain in place until development is complete

Reason

To ensure the long term provision of biodiversity.

15

Prior to the commencement of any development the details of a barrier to protect Ponds 2 and 3 from construction shall have been submitted to and approved by the local planning authority. The approved barrier shall be erected before any construction works are undertaken and remain in place until the development is complete.

Reason

To ensure the long term provision of biodiversity.

16

Prior to the commencement of any development, a biodiversity enhancement plan shall be submitted to and approved by the local planning authority which as a minimum shall show the existing ponds as identified on plan 3028 RCA 02 XX DR A 0101 being retained for the lifetime of the development. The recommendations within the plan shall be thereafter implemented within 6 months of the development being brought into use.

Reason

To ensure the long term provision of biodiversity.

17

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

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of surface water run-off to 37 l/s;
- 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.

18

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.

19

Development shall be carried out in accordance with the submitted Flood Risk Assessment to mitigate on and off site flood risk. Floor levels and flood susceptible infrastructure should be a minimum of 27.9m A.O.D.

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.

20

All foundation works should be undertaken in accordance with sections 7.3 to 7.4 of the report entitled 'Geo-Technical & Geo-Environmental Site Investigation, Phase 5 Development, AESSEAL, Rotherham – prepared by Eastwood & Partners, dated 20th August 2019, ref 43864-008.

Reason

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

21

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

Reason

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

22

If subsoil's / topsoil's are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. The results of which will need to be presented within 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.

23

A design sulphate classification of DS-3 and the corresponding aggressive chemical environment for concrete (ACEC) AC-3 should be adopted for all sub surface concrete in contact with made ground and a DS-2 / AC-2 precautions should only be used in shallower fill areas. This is due to elevated soluble sulphate content within the made ground and soils across the site.

Reason

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

24

Following completion of any remedial/ground preparation works a Validation Report should be forwarded to the Local Authority for review and comment. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site. 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.

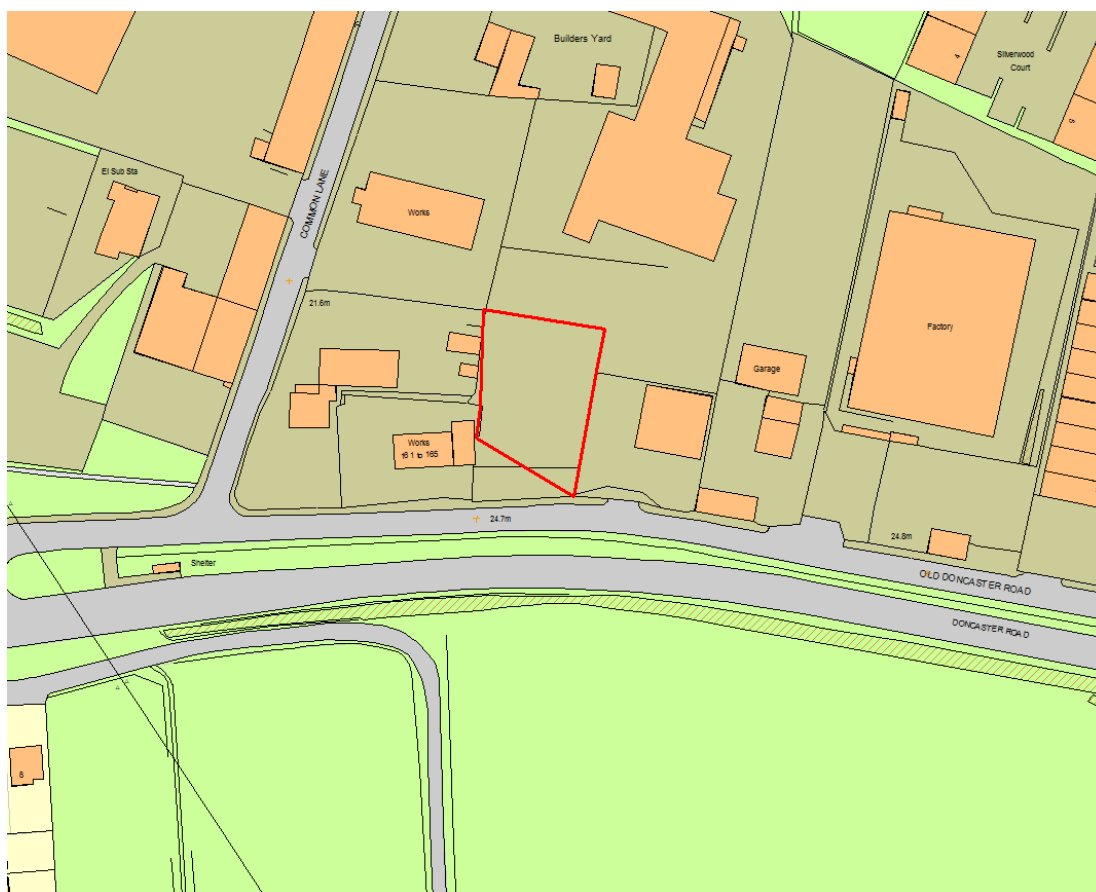
Positive and Proactive Comment

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord

with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2019/1549 https://rotherham.planportal.co.uk/?id=RB2019/1549
Proposal and Location	Proposed back-up electricity generation facility, land at Old Doncaster Road, Wath-upon-Dearne
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 is an area of brownfield industrial land off Old Doncaster Road around 1km to the northeast of Wath Upon Dearne. It is currently an open yard consisting of compacted stone and soil and is used informally as a car park for HGV's and cars. The site is enclosed by an existing 2m palisade fence.

The surrounding area is predominantly formed of industrial and business uses purposes with the nearest residential properties being over 100m away to the west and south west of the site on Doncaster Road and Gorehill Close.

Background

The site has permissions for extensions to factory units going back to the 1970s and 80s with the following planning history being the most recent:

RB1992/1067 – warehouse extension – granted

RB1996/0804 – factory extension – granted

RB2005/0986 – Erection of storage building and office extension to existing building – granted

Proposal

The application is for the proposed development of the installation and operation of a back-up electricity generation facility and ancillary development.

The application can be summarised as follows:

Need and background for the facility

- Mercia Power Response (MPR), is proposing to install and operate a back-up electricity generation facility at Old Doncaster Rd, Wath.
- Mercia Power Response Limited (MPR) was formed in 2015 and is a specialist electrical power generation company that contracts to the National Grid. MPR aims to develop fast response, local electricity generation able to provide communities with power at times of peak demand or shortfalls in supply.
- As electricity cannot be stored in useful quantities, National Grid requires a range of 'back-up' balancing services that can either generate extra electricity or consume excess electricity in real time. Such services are needed because at certain times of the day National Grid needs reserve power in the form of either generation or demand reduction to be able to deal with actual demand being greater than forecast demand and/or plant unavailability. Where it is economical to do so, National Grid will procure part of this requirement ahead of time.
- A back-up facility must be able to operate to the following parameters:
 - A minimum of 3 MW or more of generation or steady demand reduction (this can be from more than one site);
 - Deliver full power output within 240 minutes or less from receiving instructions from National Grid;
 - Provide full power output for at least 2 hours when instructed;
 - Require a Recovery Period after provision of Reserve of not more than 1200 minutes (20 hours);
- The proposed development will provide a site on which to locate a backup or standby generation plant, designed to be able to provide such balancing and standing reserve services. There are a number of such sites located across the country.

Use

- The equipment will be connected via new electrical connections to the new on-site high voltage substation kiosk.
- Mains natural gas will be supplied to the Site via an underground pipe connection terminating at the on-site gas meter kiosk.
- The equipment will operate for an estimated 25 year period.

- Technical personnel will visit the compound regularly to carry out routine maintenance and repairs necessary.

The proposed development will consist of the following items:

- Two reciprocating engines each housed within an acoustic container measuring – 12.1 x 2.9 x 2.9
- Cooling radiators / fans on the top of each of the two containers, bringing the containers to a total height of 5.6 meters above ground level.
- An exhaust stack, one on each container, will extend a further 5m in height. The highest point of the proposed development will therefore be the exhausts stacks which terminate 8.0m from finished ground levels.
- One high voltage DNO electrical kiosk – 4.1 x 2.7 x 2.8
- Two transformers - 1.8 x 1.9 x 1.6
- Gas meter / supply kiosk – 4.0 x 2.5 x 2.4
- One welfare / control cabin – 6.0 x 2.4 x 2.4
- Lighting fixed to engine containers and 2 No. CCTV poles – 4.0m height
- One bunded oil drum storage area - 3.0 x 3.0
- One low voltage electricity feed cabinet – 2 x 1.25 x 2.25
- Ancillary infrastructure including cabling and trenching, concrete plinths/bases, 2.4m height wire mesh entrance gate and boundary fencing, acoustic fencing and CCTV.
- The site will need to be cleared to prepare the site to receive the plant and equipment which will involve improving the existing yard area with clean, natural stone chippings to form a permeable drainage surface.
- The containers, equipment and transformers will be mounted on lightly reinforced concrete slabs and strip foundations.

Traffic Generation

- The access is suitable for the construction and operation of the Site.
- During the construction period there will typically be two HGV movements per day except on days when the reciprocating engine equipment will be delivered, when there will be approximately 5 HGV movements.
- Once operational, vehicle movements will be very low, approximately four movements per week of light cars / vans vehicles for delivery of parts / consumables and attendance to Site by technicians.

Hours of Operation and Construction

- The availability of the generation of electricity from the reciprocating engines will be 24 hours, 7 days per week.
- The operational hours will be typically be around 2000 hours per year. The operational hours of the reciprocating engines will be dictated by the demands of the National Grid, but are expected to be between 07:30 and 22:30 hours.
- However, the Site may need to run outside these hours if National Grid instructs the Site to run in an emergency situation to fulfil the Site's duties under its contract's. To date over the last ten years, this type of emergency has never occurred in the UK.
- The overall construction programme will be approximately 6 months, with construction restricted to 07:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday and Sunday.

Development Plan Allocation and Policy

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

The application site is allocated for 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 policy(s):

CS3 Location of New Development

CS28 Sustainable Design

CS30 Low Carbon & Renewable Energy Generation

Sites and Policies

SP52 Pollution Control

SP55 Design Principles

SP69 Utilities Infrastructure

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 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 a site notice (16 October 2019) along with individual neighbour notification letters to adjacent properties. Eleven letters of representation have been received and can be summarised as follows:

- The proposal will generate a major noise issue and will have a significant adverse effect on nearby residential properties.
- Existing generators on Common Lane already cause a significant noise issue
- This proposal is nearer the residential properties and will amplify any existing noise issues
- 2000 hours a year of operation equates to over 5 hours a day
- Interruption to existing businesses in close proximity to the site. A letter is enclosed highlighting the problems of sporadic noise
- Mobile phone signal reduces when machinery from existing generators is turned on.
- Office internet also reduces

- Increased vibration from the number of heavy goods vehicles entering the site.

Consultations

RMBC -Transportation Infrastructure Service – no objections subject to conditions

RMBC - Environmental Health – no objections subject to acoustic fence condition

RMBC - Drainage– no objections subject to condition

Appraisal

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

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

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

The main considerations of the application are as follows:

- Principle of the development
- Noise impact on the surroundings
- Design and appearance
- Impact on highway safety
- Other issues

Principle of the development

The applicant is proposing to install and operate 2 back-up electricity generation facility comprising 2 no. reciprocating engines and associated ancillary equipment.

The applicant has supplied a detailed requirement of the need for the facility, which has been summarised in the proposals paragraphs above. In summary it is understood that as electricity cannot be stored in useful quantities, the National Grid require a range of 'back-up' balancing services. The National Grid needs reserve power in the form of either generation or demand reduction and be able to provide such balancing and standing reserve services in conformity with policy SP69 Utilities Infrastructure. There are a number of such sites located across the country.

Overall it is considered that the applicant has satisfactorily demonstrated that there is a need for such a facility and the principle of an industrial infrastructure use is acceptable in land use terms.

Noise impact on the surroundings

There are residential properties approximately 120-150m to the west of the site in an established residential estate. All of the objections received refer to noise issues. Some of these refer to the existing facility on Common Lane containing 4 No. reciprocating engines and associated equipment approved under RB2016/1065.

In terms of noise and disturbance, Environmental Health note that the contractual operating hours for the facility would be between 07:00 and 22:30 daily, however, the more likely scenario would be that the facilities operation would be contained within periods of peak demand as summarised below:

- AM Peak Operation: between 07:00 and 14:00 approx.
- PM Peak Operation: between 16:30 and 22:30 approx.

Further to this it is noted that within the requirements of the National Grid's contract, the facility would be required to have the capacity to operate throughout a 24hr period in an emergency '1 in 10 year' scenario. However, this is not envisaged to be a normal operational scenario of MPR and is purely a requirement of the National Grid Contract to prevent a "lights out" scenario.

Mercia Power Response is already operating a similar facility on nearby land off Common Lane containing 4 No. reciprocating engines and associated equipment approved under RB2016/1065. The Noise Assessment Report takes into account noise emissions from all 6 No. reciprocating engines i.e. the previously approved site and the current proposed site.

The proposed site is in a mixed industrial and business area with the nearest domestic properties on Gorehill Close, approximately 135m away and on Old Doncaster Road, approximately 175m away. There are objections to the proposal from local residents on Old Doncaster Road, Gorehill Close and adjacent industrial units to the proposed site. The main reason for the objections are on the grounds of noise from the existing site on Common Lane which was granted planning permission under RB2016/1065 where it is reported that local residents and businesses can hear a low humming, drone type noise originating from the generators.

However, Environmental Health have not received any complaints about the noise from the existing generators to date.

The noise assessment submitted with the application has assessed both this proposal and the existing engines together as the period that they would be operational would essentially be the same. It states that activities associated with the facilities during normal operational periods (under technical guidance BS4142 Standard) would be under the level of a marginal impact at the property on Gorehill Close identified as H1 and under the level of having a low impact at Old Doncaster Road H2 providing a 5m acoustic fence is provided around the newly proposed site due to it being closer to sensitive noise receptors than the existing site.

In consultation with Environmental Health, it is considered that the mitigation proposed would be necessary above that already inherent within the design of the reciprocating engine container units and that a 5 meter high acoustic fence around the container units is required.

The applicant has provided an additional plan showing the details of this.

The noise report also looks at a 1 in 10 year Overnight Emergency Operational situation as it is a requirement of the National Grid contract that in a 1 in 10 year emergency "lights out" situation all equipment feeding into the National Grid could be called to operate 24 hours a day.

This demonstrates that if all 6 engines were operational during the night time period the noise would result in a marginal significance.

However, the overnight operation of the facility is not a normal operational requirement of the facility which would be between 07:00 – 22:30. The facility would only operate outside these timescales in a 1 in 10 year emergency operational scenario which is considered extremely unlikely. As such and to ensure that there is no unnecessary noise disturbance to local residents, a condition preventing the use of this facility beyond 22:30 unless there is a National Grid lights out emergency situation is recommended.

Taking the above into account, including Environmental Health's assessment, the proposal is not considered to have an adverse effect on the amenity of neighbouring residents, subject to the acoustic fence being provided, and would be in compliance with Sites and Policies SP52 Pollution Control and SP55 Design Principles.

Design and appearance

From a visual impact the external elevations show a utilitarian design. However this is considered to be in keeping with the surrounding industrial estate. The proposals are considered to be of a limited scale and size relative to the surroundings and in accordance with the advice in the NPPF and policy CS28 'Sustainable Design'.

The scale of the proposed acoustic fence at 5m is likely to be visually noticeable from the surroundings. However, the site is set well back from the highway and is partially obscured by onsite equipment along the frontage of the site. This section of the site is further within the industrial estate and is not easily visible from Doncaster Road. There are other buildings and structures in the surroundings that are of a similar or higher scale. It is also noted that the acoustic fence would assist in screening the utilitarian appearance of the proposed containers and would be restricted in length, just covering the front and side of the units.

Overall therefore from a visual aspect the proposal is considered to be acceptable.

Impact on highway safety

The traffic generation is considered to be small relative to the surroundings and the Council's Transportation Unit have raised no objections.

Other issues

The site does not lie within a high flood risk area, but does lie within a known surface water flood risk area. The Drainage Officer has raised no objections subject to a condition.

Conclusion

Having regard to the above, it is concluded that the principle of a backup electricity generator would contribute to part of an improved national electricity infrastructure network and is acceptable in land use terms.

The noise issues identified in the noise assessment can be mitigated by the installation of a 5m acoustic fence immediately around the unit. Whilst a fence of this scale would

be noticeable to the surroundings, it is set well back from the highway within established industrial surroundings and will not appear out of character or harmful to the area..

The proposal is considered to be acceptable in terms of highway safety and flood risk.

Accordingly, for the reasons detailed in this report the application is recommended for approval subject to conditions.

Conditions

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) Location Plan MPR-ODR-002, block plan MPR-ODR-001, elevations MPR-ODR-004-012 received 04/10/2019.

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing no elevations MPR-ODR-004-012 and Planning Statement. The development shall thereafter be carried out in accordance with these details.

Reason

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

04

The fencing identified on plan ref MPR-ODR-007 shall be powder coated green.

Reason

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

05

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

06

The proposed floodlights shall be angled/shielded such that no light from the fittings reaches the highway directly.

Reason

In the interests of highway safety.

07

Prior to the development being brought into operation, the 5m acoustic fence identified on the approved plan (ref Reflective Sound Screen acoustic fence) shall be erected on site. The fence shall be colour coated brown and maintained in accordance with these approved details for the lifetime of the development.

Reason

In the interests of the amenity of the occupiers of nearby buildings.

08

The use hereby permitted shall only be operational between the hours of 07:00 and 22:30 hours unless instructed by National Grid that there is an emergency under the prevention of 'lights out' and operation beyond this time is required. In such an event the local planning authority shall be notified as soon as practicable and the use shall stop and return to normal operating hours as soon as the emergency is concluded.

Reason

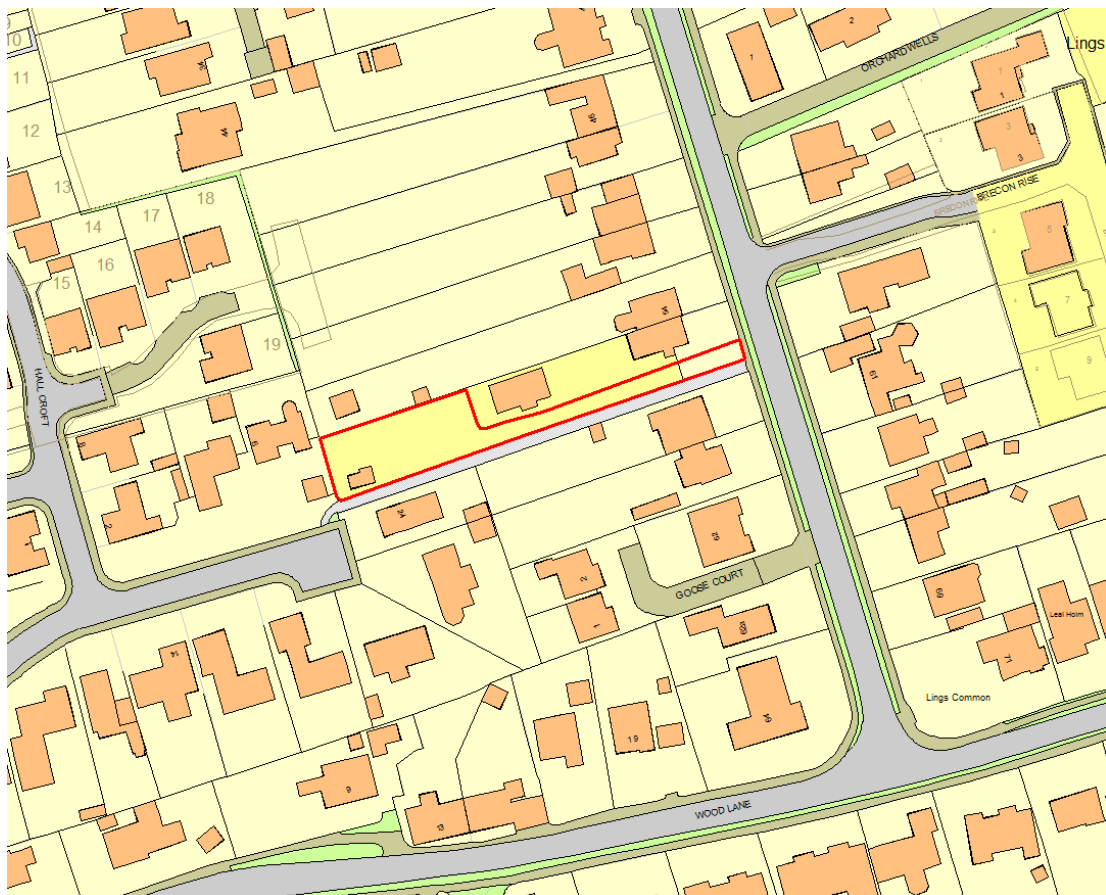
In the interests of the amenities of the occupiers of nearby buildings.

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	RB2019/1575 https://rotherham.planportal.co.uk/?id=RB2019/1575
Proposal and Location	Application to vary condition 01 (approved plans to allow installation of roof lights and rooms in the roofspace) and to vary condition 06 (no roof lights shall be inserted in roof slope) as imposed by RB2018/1841, Plot 1, 56 Goose Lane, Wickersley
Recommendation	Grant Conditionally

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



Site Description & Location

The site of application is the rear garden of 56 Goose Lane Wickersley, a semi detached inter-war property. The property's rear garden backs onto Gill Close, a quiet residential cul de sac made up of detached single storey bungalows.

A pedestrian footpath runs between No.56 and No.58 Goose Lane providing an important pedestrian link between Goose Lane and Gill Close.

The approved bungalow is now nearing completion with the roof fully tiled and windows installed in the gable ends (as approved).

Background

The site to which the application relates has been the subject of the following applications:

RB2003/1329 - Outline application for the erection of a bungalow, including means of access – Refused and dismissed at appeal.

RB2006/0284 - Outline application for the erection of a detached bungalow with integral garage and the erection of a detached bungalow with detached car port including details of the means of access (from Goose Lane) - GRANTED CONDITIONALLY

RB2007/0900 - Details of erection of a bungalow and detached garage (reserved by Outline RB2003/1329) – The application was dismissed at appeal following an appeal against non-determination as the proposed bungalow had rooms in the roofspace and did not reflect the description of the outline permission.

RB2008/1028 - Erection of a bungalow and garage
GRANTED CONDITIONALLY

RB2009/0175 - Erection of 2 No. detached bungalows
GRANTED CONDITIONALLY

RB2011/0557 - Erection of a bungalow and garage (renewal of permission RB2008/1028)
GRANTED CONDITIONALLY

RB2012/0028 - Erection of 2 No. detached bungalows (renewal of permission RB2009/0175) - GRANTED CONDITIONALLY (Application implemented by way of the construction of one of the bungalows – not subject to the current application). Condition 9 of the permission states:

09

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 as amended (or any Order revoking or re-enacting that Order) no dormer windows or roof lights shall be inserted in the roof slopes without the prior written consent of the Local Planning Authority.

Reason

In the interest of neighbouring amenity.

RB2018/1746 - Non-material amendment to application RB2012/0028 to add new Condition 10 (setting out list of plans approved under the original 2009 'host' permission) – GRANTED:

10

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) (Plots 1&2 Elevations and Floor Plans)(Dated January 2009) (Site Plan) (Dated January 2008)

RB2018/1841 - Application to vary condition 10 (to include two new side gable windows and alterations to existing window arrangements) imposed by RB2012/0028 - GRANTED CONDITIONALLY. Condition 5 and 6 state:

05

The proposed first side gable windows shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

06

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking or re-enacting that Order) no dormer windows or roof lights shall be inserted in the roof slopes without the prior written consent of the Local Planning Authority.

RB2019/1065 - Application to vary condition 01 (approved plans to allow installation of roof lights and rooms in the roofspace) and to vary condition 06 (no roof lights shall be inserted in roof slope) as imposed by RB2018/1841 – REFUSED

Reason

01

The Council considers that the proposed rooflights would result in an unacceptable impact on neighbouring amenity by way of overlooking. As such the proposal is contrary to the National Planning Policy Framework, Core Strategy CS28 'Sustainable Design' and the advice in the Supplementary Planning Document: Householder Design Guide (March 2014).

Proposal

The application is to vary condition 01 (approved plans to allow the installation of roof lights and rooms in the roofspace) and to vary condition 06 (no roof lights shall be inserted in roof slope).

The applicant proposes one rooflight to the front elevation and two to the rear. The rooflights will serve a proposed bedroom and study at first floor, with a small front rooflight to serve a bathroom. The windows in the gable elevations would be retained but would be obscurely glazed.

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

Local Plan policies:

CS28 'Sustainable Design'

SP12 'Development on Residential Gardens'
SP55 'Design Principles'

Other Material Considerations

South Yorkshire Residential Design Guide (SYRDG)

Supplementary Planning Document: Householder Design Guide (March 2014)

The revised NPPF came into effect in February 2019. 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 was advertised by way of neighbour letters and site notice. 7 Letters of objection have been received, including one from a resident's association, stating that:

- The construction of any roof space living accommodation and any installation of roof lights (2 to the rear and 1 to the front are now proposed) is against the specific planning conditions previously imposed.
- It would be detrimental to the adjacent bungalows on Gill Close and Hall Croft, none of them have roof space accommodation.
- It would overlook neighbouring properties from these upper roof windows.
- There is a shortage of easy access bungalow properties in the area to meet the community needs, and this design does not respond to this.
- Pre-building of this roof space, stairs, and any services up to these areas seems to show intent by the applicant to flout Planning Conditions already imposed.
- In order for RMBC's authority not to be undermined or perceived to have been bullied into submission then this application must be subject to enforcing previous Conditions and restrictions.
- Windows in all four elevations in the dwelling in plot 1 will hamper potential further back land development in the future.
- Not all the land in question belongs to the applicant, with a small parcel of land falling within the ownership of No.6 Hall Croft.

3 People have requested the right to speak, including the applicant and two objectors.

Consultations

RMBC- Highways: No objections.

Appraisal

The main issues to be considered in the determination of this application are:

- Visual impact on the appearance of the property.
- Neighbouring amenity
- Other issues raised by neighbours

Visual impact on the appearance of the property.

Core Strategy CS28 'Sustainable Design' requires development to make a positive contribution to the environment by achieving an acceptable standard of design.

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

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

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

The proposed rooflights are not an unusual feature on a residential dwelling and are modest and evenly spaced. As such the proposal will not be harmful to the appearance of the property or the surrounding area.

Neighbouring amenity

The South Yorkshire Residential Design Guide states that: For the purposes of privacy and avoiding an 'overbearing' relationship between buildings, the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres.

Policy SP12 'Development on Residential Gardens' states that: "Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where (amongst other things):

b. the proposal does not harm the amenity of existing properties by overlooking, loss of privacy..."

The supporting text to Policy SP55 'Design Principles' at paragraph 4.330 states: "Supplementary Planning Document: Householder Design Guide (March 2014) provides information to households wishing to alter or extend their property."

The Householder Design Guide refers to householder extensions though is considered relevant in this instance and states that: "Planning permission may be granted for an upward extension on a detached bungalow in certain circumstances:

(ii) where new habitable room windows at first-floor level would be more than 21 metres from habitable room windows of existing dwellings to the front, side or rear and more than 10m away from a neighbours boundary.”

In this instance the bungalow was originally approved on the basis of being single storey only with no habitable rooms in the roofspace. It was considered that, being in a backland location close to neighbouring gardens, the new dwelling should be single storey only. A previous proposal for a dwelling with a room in the roofspace was refused by the Planning Inspectorate, thought this was by way of a technicality as it related to a reserved matters application that did not conform with the outline permission. As such the Inspector did not consider the merits of the proposals.

The applicant has removed the two rooflights to the front elevation of the bungalow proposed on the previous application RB2019/1065 which would serve the proposed study and bedroom in the roofspace. This has prevented overlooking of neighbours at 54 Goose Lane and 24 Gill Close. The one central rooflight still proposed, to serve the bathroom, can be conditioned to be obscure glazed to prevent overlooking.

Turning to the rear rooflights, the one proposed for the study would primarily look onto the turning head at the end of Gill Close whilst the one for the proposed bedroom would primarily overlook the roofslope of the bungalow at No.6 Hall Croft, as well as the bottom end of the long garden for 54 Goose Lane. The rooflights will not overlook any habitable windows, and there are no habitable room windows in the side elevation of 6 Hall Croft.

As such the scheme is not considered to be significantly harmful to neighbouring amenity subject to the bathroom rooflight and gable end windows being obscure glazed.

Other issues raised by neighbours

The majority of the objectors have raised concerns relating to the application process and how the applicant has amended the plans since originally gaining planning permission. Whilst resident's concerns relating to the numerous applications submitted are understood, this is not a reason to refuse the current application, and the applicant is entitled to submit amended plans which have to be considered on their own merits.

With regard to other objections raised, the scheme will not prevent development of adjoining land and there are no national or local policies requiring single storey bungalows only. With regard to the land ownership issue this is a civil matter and not in any event material to the determination of the application. The applicant considers that the land belongs to him and that the objector is incorrect.

Conclusion

In conclusion having regard to the above it is considered that the proposed rooflights would not result in an unacceptable impact on neighbouring amenity by way of overlooking and subject to the relevant conditions the proposed development is acceptable.

Conditions

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)

(Amended Elevations DE0319/07a) (Received 10/10/2019)
(Site Layout DE0319/07b) (Received 10/10/2019)

Reason

To define the permission and for the avoidance of doubt.

02

Before the development is brought into use the sight lines indicated on the approved plan 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.

03

Landscaping of the site as shown on the approved plan 9 February 2009 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

In order to provide a well laid out landscape scheme.

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 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.

05

The proposed first floor side gable windows shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

In the interests of the amenities of the occupiers of adjoining properties.

06

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any Order revoking or re-enacting that Order) no dormer windows or roof lights shall be inserted in the roof slopes (other than those approved by this permission) without the prior written consent of the Local Planning Authority.

Reason

In the interest of neighbouring amenity.

07

The first floor bathroom shall only be used for such purposes and the rooflight serving it to the front of the dwelling shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing. The rooflight shall be permanently retained in that condition thereafter.

Reason

In the interest of neighbouring amenity.

Positive and proactive statement

The applicant and the Local Planning Authority engaged in informal 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 19 December 2019

Report of the Director of Planning and Regeneration Service

<u>ITEM NO.</u>	<u>SUBJECT</u>
1 Page 112	Proposed Tree Preservation Order No 6, 2019 – New House, Moorgate Grove, Rotherham
2 Page 116	Proposed Tree Preservation Order No 8, 2019 – Ulley Recreation Ground, Poynton Way, Ulley Rotherham
3 Page 121	Proposed Tree Preservation Order No 9, 2019 – 11 Church Corner, Laughton-en-le-Morthen, Rotherham S25 1YB

ROTHERHAM METROPOLITAN BOROUGH COUNCIL PLANNING REGULATORY BOARD

PLANNING AND REGENERATION SERVICE

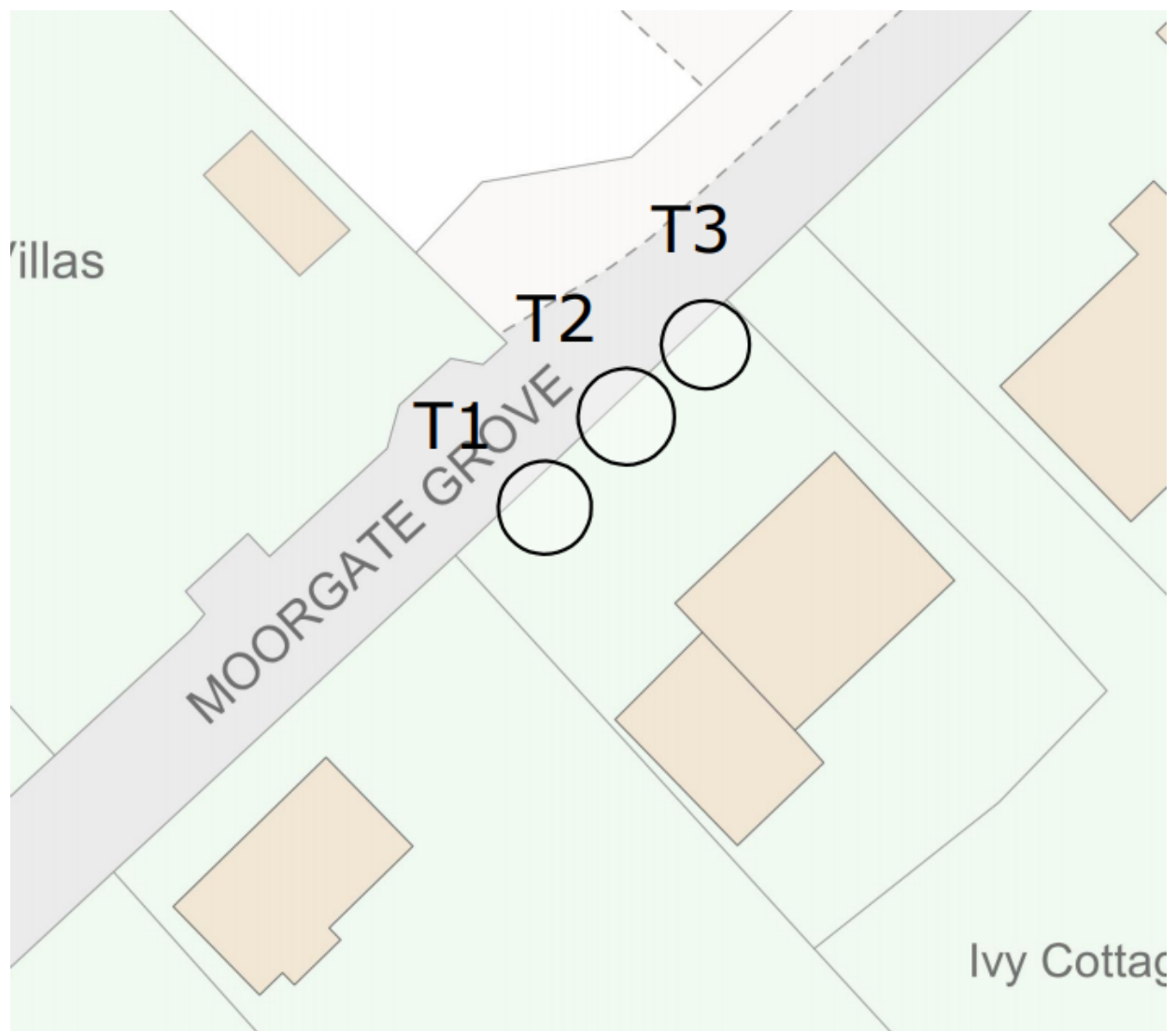
REPORT TO COMMITTEE
19 DECEMBER 2019

Item 1

Proposed Tree Preservation Order No 6, 2019 – New House, Moorgate Grove, Rotherham

RECOMMENDATION:

That Members confirm the serving of Tree Preservation Order No. 6 2019 without modification with regard to the Lime tree and two Sycamore trees which are the subject of this report, situated on land at New House, Moorgate Grove, Broom Valley, Rotherham under Section 198 and 201 of the Town and Country Planning Act 1990.



Background

A Lime tree and two Sycamore trees are protected by Moorgate Conservation Area.

A section 211 notice (6 weeks notice to carry out works to trees in a Conservation Area) to fell a Lime tree (T1) and a Sycamore (T2) and prune a Sycamore (T3) was submitted under application reference RB2019/0948. The intended pruning work on T3 was to leave a tree of 15m height and 12 metres crown spread. The applicant stated that the trees overlap the house and cause shade and damp and allow squirrels to enter the roof.

The three trees are situated at the front of New House on the boundary of the property and Moorgate Grove. T1 is a mature Lime which appears in good condition. It offers high levels of amenity to the local area, being clearly visible from the public highway and of a species which is in keeping with its surroundings. In addition, the tree provides a range of eco system benefits to the local area and predates the construction of the house. Its loss would detract from the character of the area. Although the canopy of the tree currently touches the roof of the house this is an issue which can be addressed through pruning.

T2 is a Sycamore which has previously been heavily pruned. Therefore its form and condition are not as good as that of T1, though it still has a reasonable life expectancy ahead of it. As with T1, its loss would negatively impact upon the character of the area. The issues of shading and encroachment onto the roof that the tree poses could be resolved through pruning.

T3 is a younger Sycamore tree with an asymmetrical crown typical of trees which have grown in the shade of larger specimens. It is in contact with the boundary fence. The applied works (reduce to height of 15m and crown spread of 12 m) have been objected to on the grounds that they cannot be applied to the tree in question which is not 15m tall, nor has a crown spread of 12m.

As such, a Tree Preservation Order was placed on the trees under a new TPO No. 2, 2019 on 18 July 2019 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 the occupier of Ivy House, a property at the rear of New House, objecting on the following grounds –

- Trees are or will overshadow the properties; the houses are dark as a result of the trees
- Trees have already caused damage to a boundary wall and could impede access to the access driveway
- Overhanging branches will impede use of driveway
- TPOs deter people from maintaining their trees

One Right to Speak request has been received from the objector.

Comments from Tree Service Manager

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

Trees are or will overshadow the properties; the houses are dark as a result of the trees

The trees stand to the north of the properties so they do not block any direct light into neighbouring properties.

The trees have historically been managed with the removal of low hanging branches to allow the access of light underneath the trees' canopies. There are no reasons for this not to continue in the future once appropriate consents for pruning have been sought.

The tree has already caused damage to a boundary wall and could impede access to the access driveway.

No evidence of damage to the boundary wall has been provided by the home owner to justify the removal the neighbouring tree; however the wall that is being described is a small recent addition that could be easily repaired or removed without damaging the amenity of the Conservation Area. Should the wall collapse it is also highly unlikely to block the driveway due to its small stature.

Overhanging branches will impede use of driveway

Overhanging branches blocking the use of a person's property would be considered a nuisance. Therefore if permission is sought to prune branches overhanging the driveway to maintain access then permission will be given. This permission can be sought by either the owner of New House or Ivy Cottage.

TPOs deter people from maintaining their trees

Tree Preservation Orders have been in place for some 70 years and whilst some people may try to use the presence of a TPO as an excuse to not maintain their trees in a safe and healthy manner, they do not remove a tree owner's duty to maintain their trees so that they do not pose a foreseeable threat to people and property.

It should also not be assumed that the presence of tree protection on other properties in Moorgate Grove is the reason for large trees. It is just as likely that other residents appreciate the natural appearance and splendour of a mature tree.

Conclusion

The trees are good quality trees that provide an excellent level of amenity to the local area.

The TPO is not intended to stand in the way of their good management. It is apparent that T1 and T2 require pruning works to alleviate encroachment onto the property. Such work would require an application be submitted.

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

Item 2

Proposed Tree Preservation Order No 8, 2019 – Ulley Recreation Ground, Poynton Way, Ulley Rotherham

RECOMMENDATION:

That Members confirm the serving of Tree Preservation Order No. 8 2019 with modification (by way of identifying the tree as a Sycamore as opposed to a Norway Maple) with regard to the Sycamore tree which is the subject of this report, situated at Ulley Recreation Ground, Poynton Way, Ulley, Rotherham under Section 198 and 201 of the Town and Country Planning Act 1990.



Background

On 10 July 2019 Ulley Parish Council applied under a Six Weeks Notice of intent application to fell 2 No. Sycamore trees within Ulley Conservation Area at Ulley Recreation Ground. The Parish Council considered that the trees needed to be felled for safety reasons.

The Council's Tree Officer inspected the trees and considered that the eastern most tree was in a poor health, with limited future prospects and therefore the felling of the tree was acceptable.

In terms of the western most tree whilst it had suffered some minor storm damage it was not considered detrimental to the overall health of the tree and warranted protection.

Letters in support

7 Letters in support of the TPO have been submitted which state that:

- This tree is beneficial to the environment as it absorbs CO2 and toxins, and in addition cleans the air we breathe.
- This tree contributes to the character of Ulley Recreation Ground and the surrounding village.
- The tree appears to be in good condition and is a shame to be cut down if there are no major issues with it, after all it is a living thing.
- This tree is a habitat for wildlife.
- This tree provides a natural shelter from the sun for anyone using the park
- This tree is a mature well-established tree along with the other Norway Maple trees planted alongside it, removing this tree could compromise the health of other trees adjacent.
- This tree provides a natural sound barrier for traffic noise created on the M1 and M18 motorways.
- This tree provides a natural sound barrier from the wind turbines which are situated behind this tree, if the tree is removed flash and flicker from the turbine blades could be inflicted to nearby properties.

Objections

The Parish Council has appointed Anderson Tree Care to object on their behalf. The objector states:

- The Parish Council have meticulously followed the Government's guidance on the treatment of trees in Conservation Areas. You took advice and then served Notice to the LPA in the prescribed manner.
- If RMBC disagree with your appraisal of this situation and your proposed course of action, their best approach would be to propose an alternative course of action. Simply serving a TPO without any discussion is not constructive.

- This TPO has been served very badly. The plan is insufficiently accurate and the identification of the tree is incorrect.
- The TPO is not justified, the TEMPO system is not a system of amenity valuation and had it been applied properly, the tree would not have reached TEMPO's protection justification-threshold.

A Local resident on Main Street states that:

- Prior to Ulley Parish Council taking over the recreation ground RMBC do not maintain the trees. For this reason Ulley Parish Council should be allowed to cut the trees back.

The Clerk to Ulley Parish Council has requested the Right to Speak at the Meeting.

Comments from Tree Service Manager

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

- *Tree misidentified as a Norway Maple (Acer platanoides). It is a Sycamore (Acer pseudoplatanus), possibly a cultivar of some sort.*

It is accepted that the species of tree has been mis-identified; which will be updated if the TPO is confirmed. This mis-identification of the species does not however alter the appropriateness of the TPO. The tree is still proposed for removal, the tree still provides excellent levels of amenity and inadequate justification has been provided for its removal.

With regard to not identifying the particular cultivar of the tree, the Government guidance on serving a TPO does not require a tree to be properly identified; it tacitly acknowledges that distinguishing some species and cultivars (cultivated varieties) of tree from one another is difficult and that mistakes with the identification of less-common trees should not render a TPO meaningless.

- *The TPO-plan shows only one tree and has completely ignored the other five Sycamores, and two Beech trees. Although it is fairly obvious that the intention is to protect the tree closest to the house on Poynton Way it cannot be said to be clear.*

The location of the Sycamore tree to be protected is accurately marked on the TPO plan; the other trees on site are not of consequence to the TPO. Given the linear formation of the tree row and the position of the tree within this row, there can be no confusion as to the tree selected.

- *The TPO paperwork was accompanied by a spreadsheet, which I recognise as being based on the TEMPO system. That is Tree Evaluation Method for Preservation Orders. This system is quite widely used by LPAs but equally widely misused.*

It is industry standard to use this method and currently no widely recognised alternative exists. Misuse is subjective.

- *The RMBC-TEMPO appraisal refers to the tree as being in fair condition, which is reasonable, but then puts its retention span as 40-100 years, which is not at all reasonable. TEMPO's guidance notes state that trees that are clearly outgrowing their context or having an adverse effect on adjacent trees should be appraised as in the less than 10 years band. This effectively makes the tree's TEMPO score zero.*

Sycamore has an age range of 200-300 years, which even reduced due to fair condition (>40 years) is justified, the tree has not out grown its context and can be managed in its position for a considerable time to come. Quoted correctly the TEMPO guidance reads "...having an adverse effect on adjacent trees of better quality" the adjacent tree is not of better quality as it stands in the centre of the line of trees, T1 is situated at the end of the row and is in better condition than any of the others.

- *The Officer's TEMPO appraisal stated under notes: "Tight unions typical of the species, minor crown crowding from adjacent tree." I have to say describing something as typical for the species when there is doubt as to what the species might be seems something of a leap-of-faith.*

Typical for tree of age, condition and environment, can be safely retained with minor management.

- *The reasons you gave for removing the tree, and indeed the reason I suggested it to the Parish Council, was primarily because it is very close to the neighbouring house (12 Poynton Way) and likely only ever to be seen as too close.*

The tree is around 7m from the house; no evidence of damage has been presented or suggested. The crown is within 2m of the property however an acceptable clearance can be maintained through appropriate pruning.

- *You may recall that we discussed (by e-mail in June) what to do with these trees and my opinion was that removing the lot and replanting would be a perfectly reasonable proposition. Ideally the group would have been thinned quite a few years ago. We considered removing alternate trees (to leave space for the remainder to develop), although I believe the Parish Council rejected that idea.*

The Parish Council stated on the application form the trees would not be replaced, the loss of amenity is a principal consideration for protection.

- *I note here that RMBC were responsible for these trees up until recently. I presume maintenance of the trees was their responsibility*

until the Parish Council took on the site. (I'm aware that Ulley Parish Council started to lease the site only recently but I'm not familiar with any details of the lease.)

The Parish Council are responsible for grounds and vegetation management as per the lease, it is debatable if trees can be considered in the same context as grass cutting and shrub beds and if "maintenance" includes tree removal with no intention to replace.

- *In my opinion it would have been more productive for the Tree Officer to enter into dialogue with the Parish Council over the best way to manage this group of trees. Although the LPA have no right to refuse a Section 211 Notice, they are perfectly entitled to ask you to withdraw it and suggest an alternative course of action. Simply serving a TPO with no real indication as to why, or what might be an acceptable course of action seems rather heavy handed.*

The tree is a community asset of significant amenity value that passed the Council's criteria for protection. The TPO was served as a direct result of the intention to remove the tree.

On the application two trees were identified for work, one resulted in a TPO being served the other is in very poor condition and its safe retention is considered unjustifiable. To withdraw the application would have created an unnecessary delay in taking action on the hazardous tree.

Conclusion

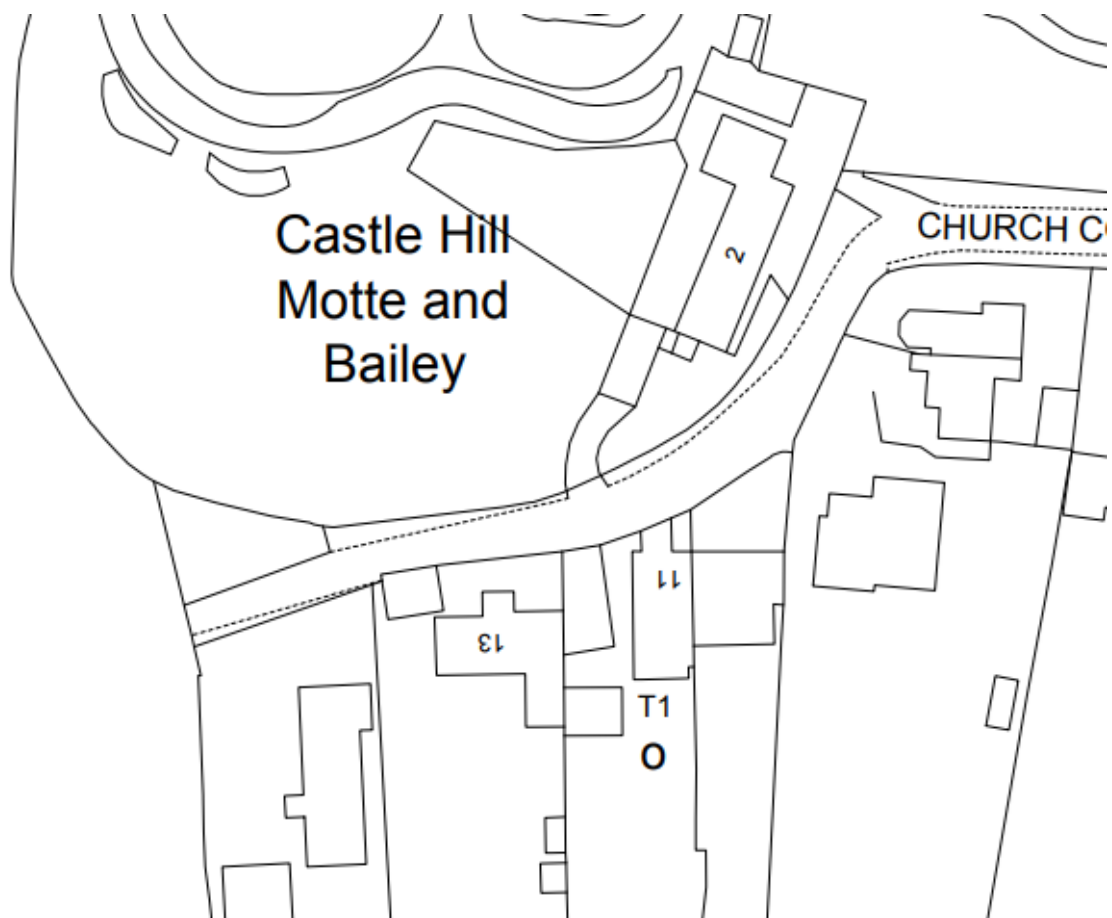
The tree on site is a good quality tree that provides good level of amenity to the local area. It is therefore considered that the objections to the Order have been carefully considered and that the Order has been made in accordance with Government guidelines. In this instance, it is recommended that the Order is confirmed following modification, by way of identifying the tree as a Sycamore as opposed to a Norway Maple.

Item 3

Proposed Tree Preservation Order No 9, 2019 – 11 Church Corner, Laughton-en-le-Morthen, Rotherham S25 1YB

RECOMMENDATION:

That Members confirm the serving of Tree Preservation Order No. 9 2019 without modification with regard to the Pine tree which is the subject of this report, situated on land within the curtilage of 11 Church Corner, Laughton-en-le-Morthen, Rotherham, S25 1YB under Section 198 and 201 of the Town and Country Planning Act 1990.



Background

The pine tree is protected by Laughton-en-le-Morthen Conservation Area.

A section 211 (6 weeks' notice) application to fell the Pine tree was submitted under application reference RB2019/1272.

It was considered that the tree was in a good condition with no significant defects and no evidence was found to suggest it was causing damage to

structures. The tree is visible from the road side and adjacent public spaces and provides good levels of public amenity. The felling of the tree would result in a loss of amenity to the Conservation Area. As such, a Tree Preservation Order was placed on the tree under a new TPO No. 9 2019 on 19 September 2019 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 the occupant of no. 13 Church Corner objecting on the following grounds –

- Only 2 points over the TEMPO threshold for evaluating trees
- Tree is unsafe
- Public visibility
- Expediency
- Near-by trees

No 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:

Only 2 points over the threshold

The Council uses the TEMPO assessment system to quantify the amenity provided by trees. This system has valued the tree in question as being worthy of protection under a TPO.

When assessing the TPO, the officer has been conservative when judging on some of the criteria, such as the 'Retention Span' category where the tree is marked as 20-40 years. It is felt this is easily achievable and in fact very likely to qualify for the higher bracket of 40-100 which would gain the tree an addition 2 points, further solidifying its protection worthiness.

Tree is unsafe

Although it is not the responsibility of the Tree Officer to ensure the safety of the tree (that remains with the tree owner) the condition of the tree was assessed at the time of the inspection.

The tree appeared in good health with no significant defects that the inspecting officer felt posed a significant hazard. Some crown lifting had taken place in the past and several lower branches had died which is fairly typical for the tree type.

The hazard of falling deadwood can be easily managed with permissible pruning that is exempt from a section 211 notification.

It is also to be expected that a tree sways in the wind, indeed this action is part of the tree's defences for coping with the pressures of wind. Trees are reactive organisms and will lay down additional strengthening wood in response to movement caused by wind.

Public visibility

The tree is clearly visible from outside the house though admittedly restricted from either side of the house. It is also clearly visible from the public footpaths to the west and south of the tree.

The footpath to the south does not appear on a public right of way map however a footpath sign does point down that way. In either case the southern aspect is highly visible from open farm land with a footpath running north to south.

Expediency

The application was to fell the tree; the Council can either object and serve a TPO or not object therefore allowing the removal to go ahead. In this situation the classification of 'Immediate threat' is correctly used.

Near-by trees

Part of the assessment and evaluation process of applying a TPO takes into consideration the gradual attrition of amenity and habitat, the loss of one tree

may not have much of an impact however the accumulative effect can be significant and needs to be controlled in order to maintain the amenity and feel of the Conservation Area. One of the principal ways a Council can preserve the amenity of a Conservation Area is by serving a TPO on threatened trees.

Conclusion

The tree is good quality with no significant defects and no evidence was found to suggest it was causing damage to structures. The tree is visible from the road side and adjacent public spaces and provides good levels of public amenity.

It is therefore considered that the objection to the Order has 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.