

## PLANNING REGULATORY BOARD

**Date:- Thursday, 6 February 2020**      **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 16th January, 2020 (herewith) (Pages 2 - 3)
6. Deferments/Site Visits (information attached) (Pages 4 - 5)
7. Development Proposals (herewith) (Pages 6 - 90)
8. Updates
9. Date of next meeting - Thursday, 27th February, 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 - 16/01/20

**PLANNING BOARD**  
**Thursday, 16th January, 2020**

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

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

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

**67. DECLARATIONS OF INTEREST**

Councillor Turner declared a personal interest in application RB2019/0852 (erection of 8 No. dwellings and associated works at land off Sledgate Lane, Wickersley) on the grounds of his daughter and her family residing on Sledgate Lane. He did not participate in any discussion and abstained from the vote.

Councillor D. Cutts declared a disclosable pecuniary interest in application RB2019/1636 (change of use to bar (Use Class A4) and associated external works at 192 High Street, Kimberworth) on the grounds of his son being the architect for this application and left the room whilst that application was discussed.

**68. MINUTES OF THE PREVIOUS MEETING HELD ON 19TH DECEMBER, 2019**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 19<sup>th</sup> December, 2019, be approved as a correct record of the meeting.

**69. DEFERMENTS/SITE VISITS**

There were no site visits or deferments recommended.

**70. DEVELOPMENT PROPOSALS**

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

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

- Erection of 8 No. dwellings and associated works at Land off Sledgate Lane, Wickersley (RB2019/0852)

Mr. R. Mowat (Applicant)

Mrs. V. Ede (Objector)

Mrs. M. Godfrey on behalf of Wickersley Parish Council (Objector)

- Change of use to bar (Use Class A4) and associated external works at 192 High Street, Kimberworth, Rotherham (RB2019/1636)

Mr. C. Ford (Applicant)

Mr. M. Winson (Objector)

Mrs. L. Winson (Objector)

Mr. P. Hamson (Objector)

Ms. S. Hampson (Objector)

Mr. D. Wordworth (Objector)

(2) That applications RB2019/0852 and RB2019/636 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

**71. UPDATES**

There were no updates to report.

**72. DATE OF NEXT MEETING**

Resolved:- That the next meeting of the Planning Board take place on Thursday, 6<sup>th</sup> February, 2020 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 6<sup>TH</sup> FEBRUARY, 2020**

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

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<b>RB2019/0086</b> <b>Erection of 30 No. bungalows with associated access &amp; landscaping at land off Pollard Street Kimberworth for Mr P Eyre</b>	<b>Page 7</b>
<b>RB2019/1642</b> <b>Part demolition of existing reservoir and construction of 1 No. single cell &amp; 1 No. twin compartment service reservoir at YWS Boston Park Service Reservoirs Boston Castle Grove Moorgate for Yorkshire Water Services Ltd</b>	<b>Page 30</b>
<b>RB2019/1838</b> <b>Erection of 2 no. industrial buildings (Use Class B1 (b&amp;c), B2 and B8) with associated service yard, car parking, substation &amp; boundary fence (2.4 metres high) at land off Todwick Road Dinnington for Ernest V Waddington Ltd</b>	<b>Page 53</b>
<b>RB2019/1887</b> <b>Demolition of existing garage and erection of No. 1 detached dwellinghouse at land adjacent 40 Brecklands Herringthorpe for Mr Hawcroft</b>	<b>Page 82</b>

## REPORT TO THE PLANNING BOARD TO BE HELD ON THE 06 FEBRUARY 2020

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.

<b>Application Number</b>	RB2019/0086 <a href="https://rotherham.planportal.co.uk/?id=RB2019/0086">https://rotherham.planportal.co.uk/?id=RB2019/0086</a>
<b>Proposal and Location</b>	Erection of 30 No. bungalows with associated access & landscaping at land off Pollard Street, Kimberworth
<b>Recommendation</b>	Grant Conditionally

*This application is being presented to Planning Board as it is a 'Major' application.*



### Site Description & Location

The application site consists of a rectangular parcel of open land that sits between Meadowhall Road, Pollard Street and Thornton Street. The approximate area of the site is 0.8 hectares and it slopes significantly downwards towards the southeast boundary.

To the northwest of the site is the recently developed Trafford and Meadow Apartment complex which is accessed from Meadowhall Road. To the north and southeast are a number of semi-detached and terraced properties that have no overarching style or

characteristics other than being 2-storeys with red brick as the main material. To the southwest, the site is bordered by a livery stables business with fields beyond.

### **Background**

The following planning history is relevant to the application site:

- RB2008/0690 – Withdrawn – Erection of a three storey building comprising 33no. apartments
- RB2008/0758 – Granted – Outline application for the erection of 17no. dwellinghouses including means of access
- RB2008/1108 – Granted – Erection of a three storey building comprising 28no. apartments
- RB2011/0772 – Withdrawn – Outline application for the erection of 17no. dwellinghouses and means of access (renewal of permission RB2008/0758)
- RB2011/0773 – Withdrawn – Erection of three storey building comprising of 28no. apartments (renewal of permission RB2008/1108)

### CIL

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

### **Proposal**

This is a full application for the erection of 30 semi-detached 2-bed bungalows comprising three house types:

- House Type A: Split level 2-bed dormer bungalow
- House Type B: 2-bed bungalow
- House Type C: Split level 2-bed dormer bungalow

Access to the site is proposed between no's 21 and 82 Pollard Street and will continue through the site to service 4 separate rows of units. The split level bungalows are located along the south eastern and north western boundaries, whilst the single storey 2 bed bungalows (Type B) are located along the south western and north eastern boundaries.

Vehicular parking is proposed to the front of all properties and a landscape strip is shown along the south eastern boundary. All properties have front and rear gardens.

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

- Planning Statement

- Design and Access Statement
- Preliminary Ecological Appraisal
- Flood Risk Assessment
- Proposed Drainage Strategy
- Tree Survey & Protection Plan
- Phase 1 Geotechnical and Geo-Environmental Site Investigation
- Affordable Housing Statement

### **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):

CS1 Delivering Rotherham's Spatial Strategy  
CS14 Accessible Places and Managing Demand for Travel  
CS20 Biodiversity and Geodiversity  
CS21 Landscape  
CS27 Community Health and Safety  
CS28 Sustainable Design  
SP11 Development in Residential Areas  
SP26 Sustainable Travel for Development  
SP52 Pollution Control  
SP54 Contaminated and Unstable Land  
SP55 Design Principles

### **Other Material Considerations**

National Planning Practice Guidance (NPPG)

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.

Council's Adopted Parking Standards

South Yorkshire Residential Design Guide

### **Publicity**

The application has been advertised by way of press and site notice along with individual neighbour notification letters to adjacent properties. 1 letter of representation has been received from the occupiers of the adjacent livery business.

The issues raised are summarised below:

- Our site generates noise from machinery, horses, cockerels and dogs
- Smells emanate from the site originating from manure which is stored on site
- Dogs persistently bark if disturbed
- In all the years we have occupied this site we never received any complaints until the new flats were built. 30 more dwellings will result in 30+ more unhappy residents.
- On 2 separate occasions the boundary wall between the site and the livery site has severely cracked and started to fall due to the steepness of the site
- Given the steepness of the site, lots of noise will be generated from construction machinery and the associated workforce. This would result in the dogs barking day after day, again upsetting more and more people.
- If planning permission is granted, future residents should be made aware that they are living next to a stable yard and noise and odour will sometimes be a problems

1 Right to Speak request has been received from the agent.

## **Consultations**

RMBC Transportation Infrastructure Service originally raised concerns about the width of the proposed access road and lack of turning facility for a refuse vehicle. These concerns were addressed in the form of an amended plan and subject to the imposition of conditions no objections are raised.

RMBC Landscape raise no objection in principle to the proposed development subject to the imposition of a condition requiring the submission of a full landscape scheme.

RMBC Ecology is satisfied that the site is of low ecological value and as such raises no objections to the proposed development subject to conditions.

RMBC Tree Service Manager has confirmed that the existing site trees are small in stature and easily replaceable by a well thought out landscaping plan. Accordingly, no objections are received subject to conditions requiring the protection of unaffected trees.

RMBC Drainage originally objected to the proposed development on the grounds of the drainage information. The submission of additional plans addressed these concerns in part, however concerns remain regarding the uncertainty surrounding the drainage of plots 25-30 due to the topography of the site. Accordingly 2 conditions are recommended which require the submission of further information.

RMBC Education have confirmed that an Education contribution is not requested as the catchment area is undersubscribed for primary and secondary schools.

RMBC Environmental Health raise no objections to the proposed development.

RMBC Environmental Health – Land Contamination has confirmed that the site has historically been open/agricultural land from approximately 1854 to the present date, albeit a former shed which was located in the centre of the site. No industrial land uses have taken place at the application site or on adjacent surrounding land that could give rise to significant land contamination. In conclusion it is considered there is very low risk to the future users of the site from potential site contamination. However, further site investigations are required to confirm the depth and condition of the identified Parkgate Coal seam and the possibility of past workings that may have taken place. These can be secured via appropriately worded conditions.

Yorkshire Water raise no objections to the proposed development subject to conditions.

South Yorkshire Police have recommended that the development be designed and built to Secured by Design standards.

Sheffield Area Geology Trust have confirmed that there will be no impact from the proposed development upon any geological assets in the area.

SYAS does not consider there to be any significant archaeological concerns in this site area.

Rotherham Clinical Commissioning Group have confirmed that there are sufficient primary care (GP's) within the immediate area to accommodate the new patients associated with the proposed development.

## **Appraisal**

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

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

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

The main considerations in the determination of the application are:

- Principle
- Design, Scale and Appearance
- Impact on Highways
- Landscapes and Trees
- Ecology / Biodiversity
- Open Space Provision
- Drainage and Flood Risk
- General Amenity
- Viability

## Principle

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.

#### *Access to Community Facilities*

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

This point is addressed within the supporting Planning Statement, where a plan has been produced which shows the pedestrian routes that are within 800 metres of the site. Within this area, 13 facilities have been identified with a further two within 850 metres. These include the following:

- Premier, South Street (Shop) (210m)
- David's Fish Bar (Café/Restaurant) (300m)
- Public Open Space (Park) (300m)
- Ming Wah (Café/Restaurant) (330m)
- Jantree Salon (Business) (350m)
- Kelford Special School (Community Facility) (450m)
- Meadow View Primary School (Community Facility) (600m)
- Akbar's (Café/Restaurant) (600m)
- Green Dragon Inn (Public House) (750m)
- Craegmoor Health Centre (Community Facility) (750m)
- St. Thomas's Church (Community Facility) (750m)
- Salvation Army (Community Facility) (800m)
- St. Thomas Community Hall (Community Facility) (800m)
- Traveller's Inn (Public House) (850m)

Having regard to the above, it is considered that the proposed development accords with the provisions of SP64 Access to Community Facilities.

#### 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 above it is important to note in the first instance that the site slopes significantly towards the south eastern boundary, accordingly the layout and use of house types has had to respond to this.

In order to best accommodate the change in levels across the site two house types (A and C) are proposed to be split level in that the garden level is at a different height to the main entrance. Type A, located to the northwest of the site, at the top, will appear as dormer bungalows from the front and a normal bungalow to the rear. Type C, located at the opposite end of the site, will essentially be a mirror of the Type A with a normal appearance to the front and dormer bungalow to the rear.

In terms of their external appearance it is noted that bungalows within the surrounding area are uncommon and the majority of houses surrounding the site are predominately two storey with pitched roofs, however they are all constructed from red brick and red roof tiles. Accordingly, the proposed development seeks to utilise the same palette of materials and simple architectural detailing, however given that the site is located to the rear of the properties on Pollard Street, it is not considered that it will be read within the same context and will be seen as a separate development entirely. Nevertheless, the proposed house types and use of materials are considered to be acceptable in this location.

In terms of site density the proposed development will achieve in the region of 37.5 dwellings per hectare which is generally reflective and proportional of the surrounding area. As such it is considered that the development represents an effective use of this site.



Taking all of the above into account, it is considered that the proposed layout and use of split level properties reflects the difficult topography of the site and accords with the provisions of SP55 and CS21.

### Impact on Highways

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 that layouts should 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 sits on a hillside and as such rises by approximately 19 metres from the lowest to the highest points. It is clear therefore that any proposal on this site must take this into account. In order to maximise the potential for the site and maintain a development that reflects the surrounding density in the area, the Applicant considered it was appropriate to provide an ‘H’ shaped layout. This is different to the ‘T’ shaped layout previously approved under ref: RB2008/0758 due to the change in levels across the site and the need to achieve a suitable gradient on the access road. The layout does however utilise the same access point as the previously approved scheme and maintains the landscape buffer at the southeast end of the site.

The access into the site is proposed between No’s 21 and 82 Pollard Street and will be constructed to adoptable standards with a parking bay proposed on the opposite side of the road for the purposes of visitor parking.

All properties will have a single parking space within the front garden areas, which complies with the Council’s adopted parking standards for 2 bedroom properties.

Taking all of the above into account and subject to conditions requiring the submission of engineering drawings and a Travel Plan, the development is considered to accord with Policies CS14 and SP26 together with paragraphs 108 and 110 of the NPPF.

## Landscape and Trees

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

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

There are a small number of trees and hedges on or near to the site that could potentially be impacted on by the proposed development. As such, prior to the architectural plans being drawn up a tree survey was undertaken by Weddle Landscape Design to identify those specimens that are worthy of retention. This survey was submitted as part of this application and it shows that only one tree is Category B however the location of it, central to the site, means that it unfortunately needs to be removed. However, as part of the proposals a landscape masterplan has been proposed which shows that 15 new trees will be planted and two retained. In addition to this, it is proposed to retain a landscape buffer on the south-eastern end which will help to maintain a degree of privacy to those properties adjacent.

The Council's Landscape Architect has appraised the proposals and note that some of the hedgerows are not being retained within the rear gardens on site, however through discussion with the agent it has been agreed that these will be replaced with a new native hedgerow. On that basis, no objections are raised subject to a condition requiring the submission of a full landscape scheme.

Further to this, the Council's Tree Service Manager has considered the content of the tree survey and confirmed that the existing site trees are small in stature and easily replaceable by a well thought out landscaping plan. Accordingly, no objections are received subject to conditions requiring the protection of unaffected trees.

Having regard to the above, it is considered that an appropriate landscape scheme can be development to provide an attractive setting for the proposed development, in accordance with the provisions of CS21 and SP32.

## Ecology / Biodiversity

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."*

A Preliminary Ecological Appraisal has been carried out by Whitcher Wildlife to support the planning application. Within this document are a number of recommendations to help maintain and protect the key features on site for habitats. The Council's Ecologist has appraised the findings and recommendations within the report and agrees that the site is of low ecological value and no protected species will be affected by the proposed development. .

Therefore from the information provided and subject to conditions the proposal would not adversely affect biodiversity and will 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..."*

The proposal comprises of 30 dwellings which does not trigger the threshold for the provision of on site open space provision as required by Policy SP37, however it is noted that a landscaped area is to be retained along the southern boundary of the site. Furthermore an area of audited green space is located approximately 280m north east of the site, known as Kimberworth Community Park. Within this park is a multi use games area and a basketball/netball court as well as a large area of green space that is frequently used by local residents. Additionally, a wooded area is located to the west of this park with allotments beyond.

It is therefore considered that the proposed development complies with the requirements of Local Plan Policies CS22 'Green Space'.

#### Drainage and Flood Risk

The Site Development Guidelines states the areas down stream of this site are known to be at high risk from surface water flooding. A Flood Risk Assessment will be required for any development on this site and additional restrictions may be imposed on discharge rates. On-site flood risk from overland flows should be assessed.

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. As such, 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. Furthermore, 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.

In support of the application, a Flood Risk Assessment (FRA), Drainage Strategy and Storm Water/SUDs Maintenance Plan have been submitted. The FRA confirms that the risk of flooding from surface water flooding is considered to be of low significance, furthermore, the exposure of people and property will be reduced and minimised compared to existing site conditions.

In terms of drainage, development of the site will take place with separate systems for foul and surface water drainage. Foul water domestic waste will discharge to the public combined sewer within Pollard Street.

This information has been assessed by the Council's Drainage Engineer who does not raise any objections regarding the proposed scheme; however there are some uncertainties regarding draining of plots 25-30 and the particular drainage requirements due to the sites topography. Accordingly, it is recommended that suitably worded conditions be imposed requiring the submission of further information detailing how foul and surface water will be drained, particular in this area of the site.

Having regard to the above, it is 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.

### General Amenity

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

Local Plan policy CS27 'Community Health and Safety' states: "Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities." Policy SP52 'Pollution Control' states: "Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity."

In respect of amenity there are two elements

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

*Impact of the construction phase on existing local residents:*

In relation to construction, it is acknowledged that significant engineering operations will need to take place on site to create development platforms. This will be in the form of a cut and fill operation. A total of 27,488m<sup>3</sup> of material will be excavated, 7,967m<sup>3</sup> of this will be repositioned on site, whilst 19,521m<sup>3</sup> will be removed. Accordingly, it is acknowledged that some noise and disturbance will be inevitable during this operation and during the construction phase. It is therefore important to limit the impact of the works on existing nearby residents. Good construction practice and appropriate consideration of working hours should ensure that this occurs. This will be secured by the imposition of a condition requiring the submission of a Construction Management Plan which include details of access to the site for construction vehicles, traffic management during construction work, location of site compounds and staff parking; measures to deal with dust and mud on the highway; and details of hours of construction and deliveries. The first step in developing the site will be to drive the first section of the new access road in from Pollard Street and have this constructed prior to any of the main excavation works. Once the road is established all traffic will be via that route.

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

With regard to the impact of the dwellings once constructed on the occupants of existing properties, it is noted that spacing distances between rear elevations of the proposed dwellings and both the rear boundaries and rear elevations of surrounding properties satisfy the requirements outlined within the South Yorkshire Residential Design Guide in that there is at least 21 metres between principle elevations and at least 10 metres between principle elevations and rear boundaries. Accordingly, the proposed dwellings would not give rise to any overlooking or privacy issues. In addition, the proposed dwellings would not appear overbearing or oppressive when viewed from neighbouring properties or from within adjacent private rear gardens due to the spacing distances, land levels and boundary treatments; and would not give rise to any overshadowing or a significant loss of direct sunlight and / or natural daylight.

Further to the above it is noted that the spacing distances between proposed properties within the site would all satisfy the spacing distances outlined in the South Yorkshire Residential Design Guide and all properties are provided with private rear gardens in line with the South Yorkshire Residential Design Guide. Accordingly, by virtue of the distance between properties, proposed boundary treatments, land levels and orientation of the site there would be no overlooking or privacy issues between properties and there would be no detrimental overshadowing of habitable room windows or proposed private rear amenity spaces.

In addition to the above, it is noted that an objection has been received from a neighbouring land owner concerned that their established livery business will be

negatively impacted upon by the proposed development. In this regard it is acknowledged that there is the potential for occasional noise and smells emanating from this site, however residential development is a common feature within the immediate area and with the exception of complaints regarding barking dogs, no other complaints have been received by the Council's Environmental Health. Accordingly, it is not considered that the potential for noise or odour from the adjacent site warrants a reason for refusal in this instance.

Having regard to the above it is considered that subject to conditions the proposed development would not adversely affect the amenity of existing neighbouring residential properties or the amenity of future residents of the proposed development. Accordingly, the scheme would comply with paragraph 127(f) of the NPPF, Local Plan policies CS27 'Community Health and Safety', SP52 'Pollution Control' and the South Yorkshire Residential Design Guide.

#### Viability/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 204 of the NPPF.

In this instance a Viability Appraisal has been submitted as part of this application which has been appraised, on behalf of the Council by Professor Walker.

The Appraisal was compiled to establish that the current level of development profit within the proposed scheme would not sustain an Affordable Housing Contribution on 25% of the proposed 30 properties. This is mainly due to the house types proposed and relatively low house prices within the area which command in the region of £136,000 and £160,000.

In general, Professor Walker does not disagree with the conclusions of the Appraisal and given that the site lies within a relatively low value area it is accepted that the scheme could not financially support any affordable housing.

Having regard to the need to provide a contribution towards education. The Education Service notes that the catchment area for Primary and Secondary Schools are currently undersubscribed, therefore there is no requirement for a contribution towards education.

#### **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. 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 or environmental concerns. The application is therefore 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 4, 5, 10, 16, 17 and 23 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 4, 5, 10, 16, 17 and 23 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

### **General**

01

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

#### **Reason**

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

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 01(101) Rev C dated 14/10/2019
- Proposed site section 01(102) Rev A dated 27/03/2019
- Proposed type A elevation & section 20 (101) Rev A dated 28/03/2019
- Proposed type B elevation & section 20 (100) Rev B dated 19/03/2019
- Proposed elevation & section type C 20 (102) Rev A dated 28/03/2019
- Proposed type A GA plans 10 (101) Rev A dated 28/03/2019
- Proposed type B GA plans 10 (100) Rev B dated 19/03/2019
- Proposed type C GA plans 10 (102) Rev A dated 28/03/2019

#### **Reason**

To define the permission and for the avoidance of doubt.

### Materials

03

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

Reason

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

### Highways

04

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

05

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

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the construction work;
- the location of the site compound and staff parking;
- the location of the storage / loading / unloading of materials;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of proposed hours of construction on/deliveries to the site;
- details of the quality of soil and its movement and temporary storage during construction;

and such further matters as the Local Planning Authority may consider necessary.

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

06

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.

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

#### Reason

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

#### 07

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

#### Reason

In order to promote sustainable transport choices.

#### Landscapes

#### 09

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

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

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

## Reason

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

## Trees

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 to be retained 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

A suitable scheme of proposed tree planting and pits shall be submitted to and approved by the Local Planning Authority prior to the first use of the development hereby approved.

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.

#### Ecology

12

Prior to the development being brought into use, details of bat & bird boxes, including their design and siting, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within a timeframe to be

agreed with the Local Planning Authority and shall thereafter be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In order to make adequate provision for species protected by the Wildlife & Countryside Act 1981 and to mitigate the loss of a small number of sub-optimal roosting features.

13

Prior to any above ground development a sensitive lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to prevent light shining onto site boundaries, especially the southern boundary, and into the grassland area to the south to prevent disturbance to bats and other animals using this area.

Reason

In order to make protect species protected by the Wildlife & Countryside Act 1981 and to mitigate the loss of a small number of sub-optimal roosting features.

14

Vegetation clearance shall be carried out outside the nesting bird season, which extends from March to September each year. In the event that this clearance work is carried out during the nesting bird season a thorough nesting bird survey shall be carried out by a suitably experienced person immediately prior to works commencing and submitted to the Local Planning Authority. If any active nests are found during this survey, they must be left undisturbed until the young have fledged.

Reason

In order to make protect species protected by the Wildlife & Countryside Act 1981.

15

In the event that any reptiles are found during the works they must be left to safely move away of their own accord. If large numbers of reptiles (5+) are found, works must stop immediately and a qualified ecologist contacted for further advice.

Reason

In order to make protect species protected by the Wildlife & Countryside Act 1981.

Land Contamination

16

Prior to commencement of development, a limited and targeted Phase II Intrusive Site Investigation shall be undertaken to assess the geotechnical and geo-environmental constraints at the site. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing by 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.

17

Subject to the findings of the Phase II Intrusive Site Investigation and 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.

18

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

19

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 testing will need to be presented in the format of a Validation Report.

Reason

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

20

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 postremedial 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.

#### Drainage

21

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

22

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

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means by which the discharge rate shall be restricted to a maximum rate of 3.5 litres per second.

#### Reason

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

23

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.

24

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.

**Informatives**

01

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.

02

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

03

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)

04

The operator shall install and thereafter utilise as appropriate, wheel washing facilities on the site for the duration of the operation. Prior to its installation on site, full details of its specification and siting shall be first agreed with the Local Planning Authority.

05

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.

06

All loaded lorries leaving the site shall be securely and effectively sheeted.

07

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'

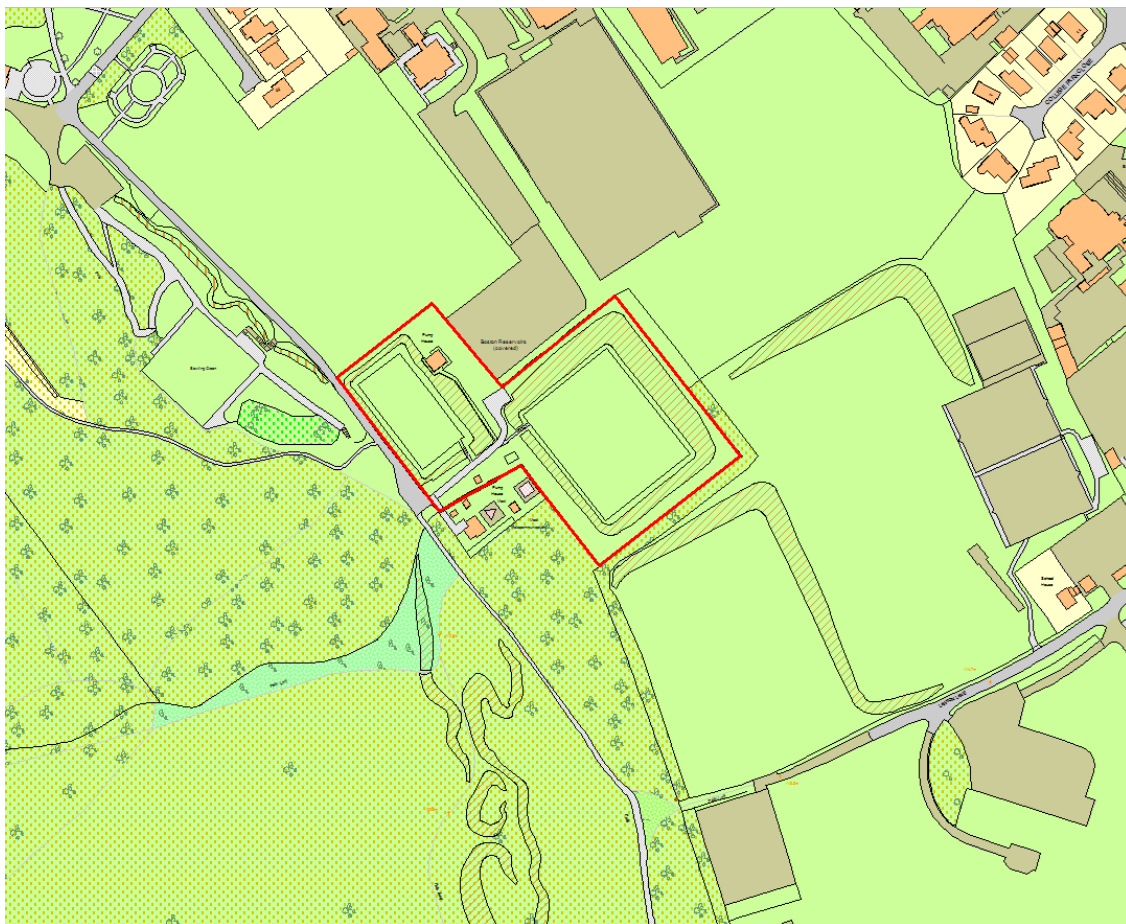
#### POSITIVE AND PROACTIVE STATEMENT

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.



<b>Application Number</b>	<b>RB2019/1642</b> <a href="https://rotherham.planportal.co.uk/?id=RB2019/1642">https://rotherham.planportal.co.uk/?id=RB2019/1642</a>
<b>Proposal and Location</b>	Part demolition of existing reservoir and construction of 1 No. single cell & 1 No. twin compartment service reservoir by Yorkshire Water Services Ltd, Boston Park, Boston Castle Grove, Moorgate.
<b>Recommendation</b>	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 the north-eastern section of Boston Park in Moorgate. Boston Park lies to the west of Boston Castle Grove and is a Listed Grade 2 Historic Park and Garden. The majority of the site is publically accessible with the exception of the southern section of the site which is currently closed off by two existing Yorkshire Water reservoirs. A palisade security fence and gate prevents public access into the existing reservoirs. This site also has a vehicular access for maintenance of the reservoir by Yorkshire Water.

The site comprises of two existing reservoirs no. 1 (non-operational) and no. 2 (currently operational) in the south east of the site. There is also a telecommunications mast

which was constructed in the late 1990s. Reservoir no. 1 has been in place for over 100 years, no. 2 has been in place since 1955.

## Background

The specific site area related to this application in the south-eastern section of Boston Park has a long established history for use by the water authority. The most relevant application is as follows:

RB2017/0892 – Demolition of existing reservoir and construction of new 12,000m<sup>3</sup> service reservoir with associated underground pipework with new access road, car parking and associated earth works – granted conditionally

Directly to the east of the site, Thomas Rotherham College have had 2 all weather football pitches approved in 2013.

## Proposal

This is a full planning application for the erection of two new service water reservoir structures, SRE No. 3 and SRE No.4. These have a volume of 4,000m<sup>3</sup> and 8,000 m<sup>3</sup> respectively and are required to maintain a resilient public water supply. The new SRE (SRE No.3) must be constructed first before the existing SRE No.2 is taken out of service and then demolished, and then SRE No.4 will be constructed. The programme will maintain water supplies during the construction period and once works are complete, secure supply for the future (with a design life of 80 years), allowing for population growth and the associated increase in demand.

The schedule of works can be summarised as follows:

- Limited tree trimming on Boston Castle Grove and along the Boston Park access route to facilitate access for high sided construction vehicles and plant;
- Establishment of a temporary site compound area in Boston Park field, installation of temporary stone access roads within the site compound;
- Installation of temporary fencing, gates and 3m hoarding to secure the perimeter of the site compound;
- Demolition of existing SRE No.1;
- Construction of the new 4,000m<sup>3</sup> SRE No.3 with associated valve housing, below ground pipework, earth embankments and perimeter security;
- Commissioning the new 4,000m<sup>3</sup> SRE No.3 into operation;
- Decommissioning and demolition of existing SRE No.2;
- Earthworks to establish the required foundation level for the new 8,000m<sup>3</sup> SRE No.4;
- Construction of the new 8,000m<sup>3</sup> SRE No.4 with associated valve housing, below ground pipework, earth embankments and perimeter security;
- Commissioning the new 8,000m<sup>3</sup> SRE No.4 into operation;
- Removal of all temporary works, e.g. site compound and temporary access routes etc;
- Final landscaping and restoration to Boston Park.

The main changes to this application and the previously approved application RB2017/0792 can be summarised as follows:

- The new proposal will require the use of Boston Park as a site compound during the construction phase. But no land swap is now proposed.

- The new reservoirs will be constructed on YW's existing site in the south-east of the park.
- The proposal will have a longer construction phase (up to 2.5 years, between January 2020 and August 2022) than anticipated on the previous application (approximately 18 months).
- The long term use of Boston Park as existing will be safeguarded following completion of the development.
- Access for contractors during the construction phase of the development will be the same as previously proposed (primarily using Boston Castle Grove).

#### Other issues

- The working hours on site shall be 07:00-17:00hrs and it is expected that at the peak of construction up to 30 persons shall be working on site.
- Therefore, approximately 24 vehicle movements per day arriving and leaving site at the start and end of the working day are to be expected, with occasional visits by other personnel throughout the working day.
- Delivery of plant and materials to site is to be conducted between 09:30-14:30 hours, thereby avoiding peak commuting hours as well as avoiding the start and finish times of the surrounding schools/colleges.
- Delivery of plant and materials will be managed to ensure required deliveries are spread evenly during the working day to minimise traffic volumes on Boston Castle Grove.
- Drainage - The new SRE gravel roof will be provided with a perimeter French drain system and the WPS roof will have edge guttering to a rain water fall pipe.
- The proposed new SRE compound will be covered with compacted aggregate haul roads and working surfaces, therefore all surfaces will be semi permeable to minimise rain water runoff.

#### Heritage Impact Assessment

This assessment concludes that the proposed development would result in less than substantial harm to the significance of the heritage assets in the vicinity, with the majority of Boston Park not affected by the proposal, and with the functional open parkland character of the area retained as a result of the land of the existing SRE's being returned to public parkland.

The assessment indicates that there will be no impact to the setting of Boston Castle, a Grade II listed building, and therefore no effect on its heritage significance.

#### Ecology Statement

The Preliminary Ecological Appraisal (PEA) submitted in support of the application can be summarised as follows:

There are no statutory sites within 2km of Boston Park but there is one non-statutory designated site; the Centenary Riverside Local Nature Reserve (LNR) is located approximately 1.2km from the site in a north-westerly direction.

No effects on this site are anticipated as a result of the proposed development. The work area consists of three habitats; improved grassland, plantation woodland and scattered broadleaved trees. None of the habitats on Site fit the description of any habitats found in the Rotherham Local Biodiversity Action Plan.

Cotoneaster, an invasive plant species, was recorded on the site. It is growing around the edges of the site, particularly along the northern walls. This area will most likely be disturbed by the works and it is recommended that a management plan is put in place to eradicate it and prevent its spread. There is potential for nesting birds in the plantation woodland and scattered trees. It is recommended that any removal of trees and scrub is undertaken between September and February which is outside the breeding season for birds.

### Tree Survey

There were 26 individual trees and 1 group surveyed in association with this Scheme. The following tree retention categories were assigned:

- Category A i.e. trees of high quality, 0 trees;
- Category B i.e. trees of moderate quality, 9 individual trees and 1 tree group;
- Category C i.e. trees of low quality, 11 individual trees;
- Category U i.e. trees to be removed for arboricultural reasons: 6 individual trees.

To facilitate construction, the following tree works are required:

- Removal of 1 Category B tree, 3 Category C trees, 6 Category U trees and a section of self-set trees (no category);
- Pruning of 23 trees (201 to 223) along Boston Castle Grove) and 1 tree (239) within Boston Park

### **Development Plan Allocation and Policy**

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

CS4 Green Belt

CS19 'Green Infrastructure'

CS21 'Landscape'

CS22 'Greenspace'

CS23 'Valuing the Historic Environment'

CS24 Conserving and Enhancing the Water Environment

CS25 'Dealing with Flood Risk'

CS28 'Sustainable Design'

SP 35 'Green Infrastructure & Landscape'

SP 41 'Protecting Green Space'

SP 47 'Historic Parks, Gardens and Landscapes'

SP 52 'Pollution Control'

### **Other Material Considerations**

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

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

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

The Core Strategy / Unitary Development Plan/Rotherham Local Plan ‘Publication Sites and Policies - September 2015’ policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy but await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

## **Publicity**

Yorkshire Water carried out publicity prior to submission of this revised planning application and this can be summarised as follows:

- Meeting with local Councillors on 03/09/2019 to communicate the details of the scheme covering the business need for the works, the proposed design (& how it accommodates feedback from the previous plans), duration, traffic impacts, and plans for community engagement. The meeting also discussed the requirement to rent the covenant protected land for temporary compound use.
- Pre-Community Engagement Drop in Letter providing an introduction and notification of the upcoming scheme and delivered to local residents.
- Meeting with the Committee of the Friends of Boston Park on Tues 08/10/2019 14:00-17:00 at Boston Castle.
- One-to-One meetings with the residents at the head of Boston Castle Grove by YW project manager.
- Community Engagement meeting at Thomas Rotherham College on 09/10/2019 16:00-19:00 to present similar information to that at the Friends meeting.

The Council has subsequently advertised the application by way of 4 site notices being displayed within the park and on Boston Castle Grove (31 October 2019), press notice (08 November 2019, Rotherham Advertiser) and letters to neighbouring properties (31 October 2019). All residential properties along Boston Castle Grove/Boston Castle Terrace were individually notified.

A total of 16 representations have been received. Where multiple objections have been received from the same address, these have been considered as a single objection. The main areas of the objections can be summarised as follows:

### **General**

- This will not enhance the Moorgate Conservation Area.
- The length of the construction works (potentially up to 2.5 years) is considered excessively long.

#### Environmental impact

- The proposed development falls within the description contained at paragraph 10h of Schedule 2 to the 2011 Regulations and meets the criteria set out in Column 2 of the tables in that schedule. As a result a full environment impact assessment should be carried out prior to the approval of the planning application.

#### Traffic/construction

- Boston Castle Grove already suffers from congestion problems resulting from visitors to Thomas Rotherham College both during the day and evening.
- In response to this issue, Yorkshire Water has stated that they will use traffic management to allow their heavy plant equipment to access the site via Boston Castle Grove. This will take place around Thomas Rotherham student's use of the road in the morning and end of college. This means that Boston Castle Grove will be constantly in heavy use all day long which will cause access problems for residents of Boston Castle Grove.
- Boston Castle Grove is frequently used by dog walkers and Thomas Rotherham students walking into college. The above described use of the road will presents a highway safety issue to members of the public.
- Increased noise and disturbance from vehicle movements through the construction process.
- The narrow width of Boston Castle Grove will create further difficulties and disruption.
- Increased mud and debris on Boston Castle Grove during construction works.
- An alternative access to the area should be accomplished using Lawton Lane, a public access road which has no residents (with the exception of one property associated with Oakwood School)

#### Public Right of Way

- The Public Right of Way will be blocked for 24+ months during construction of the reservoir. If Yorkshire Water accessed the site from Lawton Lane via the playing fields at the back of Oak Wood Academy, the Public Right of Way could remain open during construction.

#### Noise/disruption

- Residents of Boston Castle Grove will be subject to noise pollution generated by heavy plant equipment using the road to access the construction site. Noise pollution will be a particular problem for residents with properties located close to the road. Noise pollution will also have an impact on local wild life living in the park.
- The length of the works (potentially over 2 years) is considered excessively long.

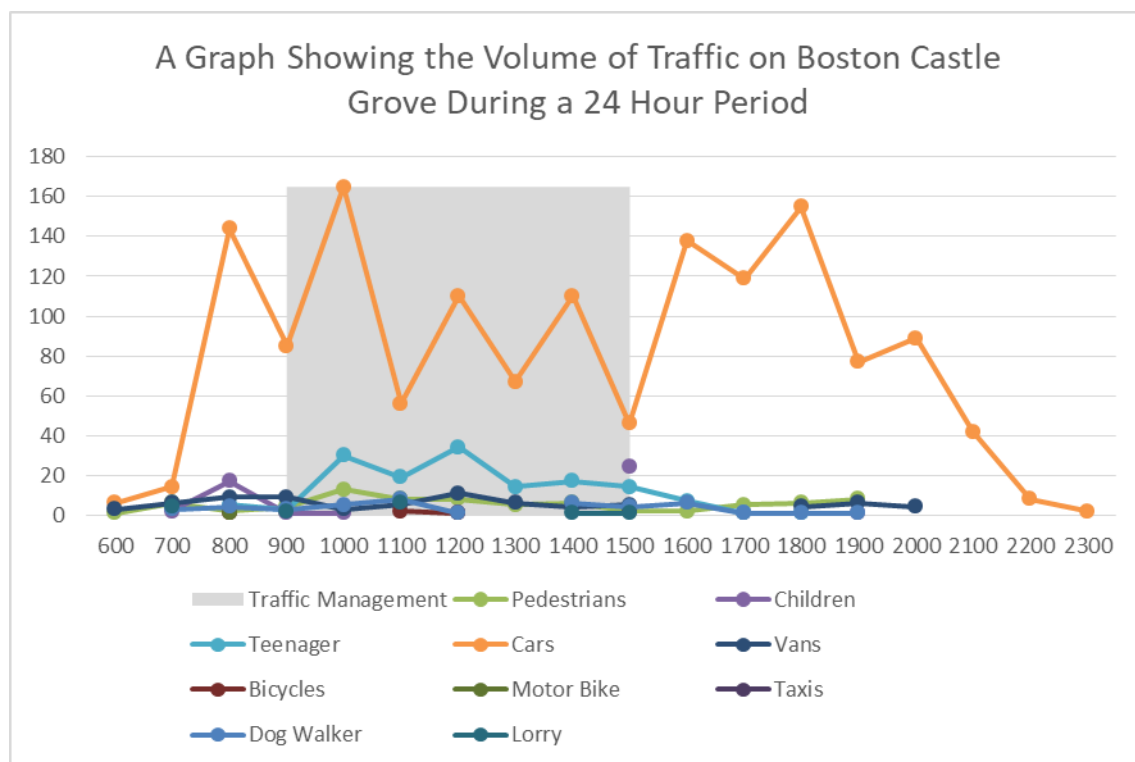
#### Other issues

##### Damage to private property

- The construction works will require the use of heavy machinery to excavate soil from the ground and to remove waste materials from site. Movement of heavy plant machinery along Boston Castle Grove may cause damage vibration to the properties located on Boston Castle Grove. The terraced housing that is situated on the roadside at the top of Boston Castle Grove is at particular risk from structural damage.
- Damage to the road surface of Boston Castle Grove.

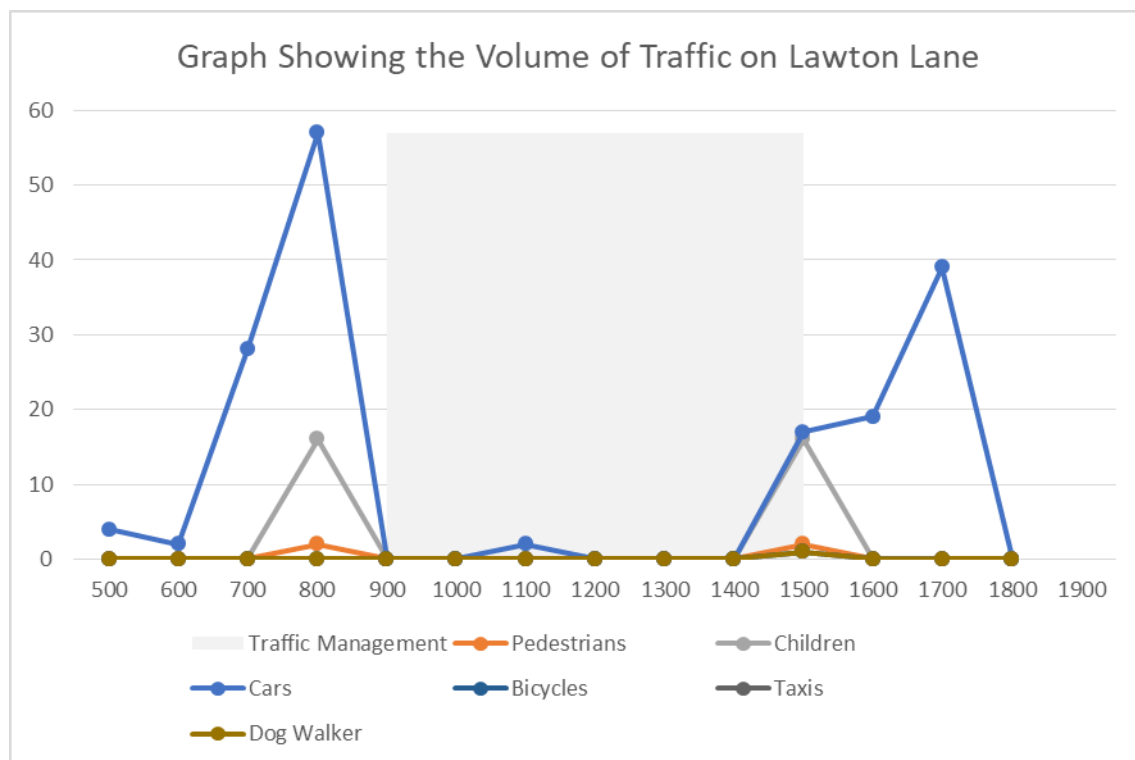
In addition residents have also carried out a road traffic survey which can be summarised as follows:

- Residents used the 'Manual Count' method that involves people recording number of vehicles passing, on a pre-determined location, using tally marks in inventories.
- The traffic survey was carried out on the 12 November 2019 for 24 hours; weather conditions were good. CCTV footage of Boston Castle Grove taken from outside number 16 Boston Castle Grove was used to support the manual count method.
- The traffic survey captured 1439 Cars, 77 Vans, 14 Lorries, 2 Taxi's, and 1 Motor bike in 24 hours.
- This is a total of 1533 vehicle movements in 24 hours. According to Yorkshire Waters Traffic Management plan, they will limit construction vehicle movements to the hours of 9:30am to 3:30pm (indicated on the graph in Grey).
- In the period between 9:30am and 3:30pm Boston Castle Grove experiences 692 vehicle movements. This is an average of 98.85 vehicles per hour, or a vehicle every 36.41 seconds.
- The survey can be summarised in the graph below



- To reduce the risk of vehicle strikes to pedestrians, Yorkshire Water has proposed to limit construction vehicles to 10mph on Boston Castle Grove. A vehicle travelling at 10mph will take 1 min 10 second to reach the top of Boston Castle Grove. The likelihood of one of Yorkshire Waters construction vehicles encountering another vehicle is extremely high.
- In addition, Yorkshire Water has requested that the Highways department impose a 20mph speed limit on Boston Castle Grove during the construction phase. Slowing vehicles down will increase the likelihood of construction vehicles encountering other vehicles.

- There are no passing points on Boston Castle Grove, and the road in some sections is too narrow for two vehicles to pass each other normally resulting in one car mounting the pavement.
- Other Road users encountering Yorkshire Waters Construction vehicles will have to reverse up Boston Castle Grove and turn into one of the side roads to allow Yorkshire Waters Construction vehicles to pass.
- The councils Highways department are aware of the vehicle passing issues on Boston Castle Grove because in 2007 they introduced parking restrictions between the hours of 8:00am – 5:00pm Monday to Friday.
- Residents have also carried out a Traffic and Pupil survey of Lawton Lane. The results are shown in the graph below.



- The traffic survey shows that there is almost no traffic or public movement between the hours of 9:00am and 15:00pm. This is because Lawton Lane is only used by teachers to access the schools car parks before and after the school days starts and ends. In addition, Lawton Lane only has one residential property which is occupied by the school care taker.
- The school also has a policy of preventing parents and members of the public from using Lawton Lane for access the school. Unlike Boston Castle, there is no other public facilities on Lawton Lane. All vehicle movements recorded are of school staff parking in the car parks at the back of Oak Wood School.
- Based on the results of the survey, the Traffic Management Plan submitted in Yorkshire planning application would be a better fit for Lawton Lane.
- Since the original planning application was submitted by Yorkshire Water, Thomas Rotherham College has merged with Oak Wood Academy. Oak Wood School has an average of 24 spare parking spaces per day.
- Yorkshire Water statement that 350 trees will have to be removed on Lawton Lane is inaccurate and has been exaggerated.



- Yorkshire Water Traffic Management Plan is not fit for purpose. It does not adequately separate pedestrians and construction vehicles apart during the three-year construction phase.
- The use of Boston Castle Gove to access the site presents a high level of risk to the public and pupils of TRC.
- Yorkshire Water Traffic Management Plan is a better fit for Lawton Lane.

The applicant has further responded to indicate the following:

- The majority of the site workforce will arrive on site between 07:00-07:30 which will again avoid the peak period of college arrivals/drop off.
- As stated in the Travel & Traffic Management Plan and its vehicle movement summary, the increase in traffic due to the proposed construction works is only expected to have a small impact (~2% increase) on traffic volumes on Boston Castle Grove relative to current usage and vehicle movements.
- The report states “Yorkshire Water has since changed its Traffic Management Plan”, we believe this statement is factually incorrect and the Traffic Management Plan methodology remains unchanged from the previous proposal which was discussed and agreed on a site visit with the highway officer.
- The report makes reference to the proposed speed limit reduction, and links this to a potential increase in risks to pedestrians and road users through reversing. The chart shows a significantly reduced number of accidents within the 1-20mph band compared to 21-30mph, which is the current speed limit along Boston Castle Grove, hence the Traffic Management Plan has considered and proposes to implement measures to reduce Health and Safety risks during the proposed construction phase.
- The document states that the students of Thomas Rotherham College are between the ages of 16-18 and that ‘children do not have the ability to perceive danger in the same way as adults do’. The applicant indicates that as the pupils currently attend Thomas Rotherham College, and the impact and perceived risk of the additional traffic is negligible, the applicant proposes that the measures described previously and as part of the Traffic Management Plan reduces the risk to the public as far as reasonably practicable.
- The use of Lawton Lane, as proposed by the report, directly contradicts the ability to reduce the risk to children (under the age of 16) which was a significant factor in the dismissal of this option in the submitted Access Case Study. The proposed construction traffic would increase traffic hugely, in comparison to current traffic levels along a route which adjacent sports pitches are used by the school children. This would also result in the loss of at least 1 sports pitch throughout the duration of the construction works.
- The Lawton Lane access route would involve the tracking of construction traffic adjacent to the existing Service Reservoir that is suffering from structural issues. This presents a H&S issue and a risk of loss of water supply to the local community. These risks are lowered by accessing from Boston Castle Grove.

A total of 4 Rights to Speaks at the Board meeting have been received including the applicant.

### **Consultations**

RMBC - Transportation Infrastructure Service – no objections subject to conditions

RMBC - Conservation Officer – no objections.

RMBC - Environmental Health – no objections

RMBC - Drainage – no objections to revised proposals

RMBC - Ecologist – no objections

RMBC Landscape Design and Green Spaces – combined response. No objections subject to conditions and mitigation in order to minimise disruption to the public and users of the park.

RMBC - Tree Service Manager – overall no objections, subject to final conditions

Historic England – no comments

Sport England – no objections following the submission of the additional clarifications, subject to reinstatement of land capable of accommodating a sports pitch

South Yorkshire Archaeology – 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 in the determination of the application are:

- Principle of development
- Heritage Impact on the surroundings including Boston Park
- Archaeological Issues
- Green Space issues
- Sport England comments and loss of playing pitch
- Trees and Ecological Issues
- Highway Safety including construction traffic and parking capacity
- Design, Scale and Appearance
- Landscaping
- Drainage and Flood Risk Issues
- Land contamination and pollution control Issues
- Representations received
- Other issues

## Principle

The site lies within the Green Belt and under paragraph 146 of the NPPF engineering operations are not by themselves considered inappropriate development providing that

they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. This location is also within a Grade 2 Listed Historic Park and Garden and it is considered that the applicant must demonstrate sufficient need for the new facility as well as evidence that other sites have been considered and discounted before the principle of the development could be considered to be acceptable in this location.

a) Engineering works within the Green Belt

The proposed new reservoirs are required to replace the two existing reservoirs that are currently located within the Park. Reservoir No 1 was decommissioned in 1980 and reservoir No 2 is coming to the end of its serviceable life and does not have the storage capacity to cater for the increased growth within the area.

The replacement reservoirs will be located on the existing sites with a layer of gravel on the roof and grassed earth embankments around each side at a slope of 1:2. The reservoir roof gravel will be 40mm single-sized, river-washed gravel, to a minimum depth of 200mm above reservoir roof level.

The proposed replacement reservoirs will have a similar overall profile to the existing structures with a slightly higher ground level but with a reduced ground area. The existing water pumping station will be retained and the site will be secured by a 2.4m high mesh security fence which will be powder coated in green.

This is effectively a replacement facility that will upgrade the existing reservoir areas and are of a similar size and scale to that which they would replace. As such it is considered that the proposed works will preserve the openness of the Green Belt and do not conflict with the purposes of including land within it and would do not constitute inappropriate development within the Green Belt.

b) Need for a new facility

Service reservoirs provide strategic holding facilities for the storage of treated water prior to distribution to public supply. In addition, they provide stored reserves in the event of a distribution main burst or during periods of high demand. Due to restrictions in the existing systems, the existing pumps are unable to operate effectively when the internal SRE level water drops below 40% capacity. This results in a reduction in available pressure and loss of water supply.

The applicant has provided a network supply map which indicates the coverage that the existing reservoir has and any replacement reservoir needs to be located within Yorkshire Water's existing network area. Yorkshire Water have also indicated the importance of elevation for service reservoirs. In this case the existing water storage at Boston Park derives from Hoover service reservoir and it is essential to maintain the existing hydraulic profile i.e. a new reservoir must be at the same level as the existing. It should also noted that the surrounding underground pipe infrastructure has been in place for a long time.

Accordingly, it is considered that the number of potentially suitable sites is extremely limited as any site has to be within close proximity to the existing reservoir.

The supporting information from the applicant indicates that the Boston Park site is operational and the service reservoirs provide strategic holding facilities for the storage of treated water prior to distribution to public supply in the immediate surroundings. The applicant indicates that if works to provide a new SRE at the site were unduly delayed or prevented from occurring, the wider repercussions and implications from the continued structural weakening of the existing SRE No.2 roof would result in disruption to the supply of water due to an increased risk of contamination. This could result in emergency measures being enforced on the supply of water to local residents and Moorgate Hospital.

It is understood that the public water supply requires a minimum of 4,700-5,000m<sup>3</sup> from Boston Park per day to meet current demands. Water Pumping Stations (WPS) provide the facility to pump water under pressure to provide adequate supply pressure to customers located at a distance or higher elevation from the WPS site. The current site meets both of these requirements.

Overall, it is therefore considered that the applicant has satisfactorily demonstrated that there is a requirement for a replacement reservoir within this area. A capacity of 12000m<sup>3</sup> is required when considering population growth and the associated increase in demand which would have a design life of 80 years.

c) All other sites have been considered

As indicated above, the applicant indicates that the location of reservoir sites for the local storage capacity is dependent on distances from end users and on higher elevations to reduce the need for additional pumping stations. Sites at a much greater distance, or sited at lower ground levels (for example in Canklow or other areas of Moorgate for example) would not be suitable, as well as requiring substantial alterations to the underground pipe infrastructure.

Members should also be aware that the applicant has an extant permission which also contained an options report indicating that 5 other options had been considered and discounted.

**Option No.6** – Boston Park Existing Site (rebuilding new reservoirs) is considered to be the most beneficial option with Boston Park maintained in the long term. The main disadvantages are the length of construction required.

It is noted that whilst significant numbers of objections have again been received from local residents along with Friends of Boston Park, the majority of these objections now relate to constructional issues with a particular emphasis on highway safety grounds and noise and disturbance. These will be discussed in more detail later in the report.

Overall it is considered that Yorkshire Water have satisfactorily assessed all available sites and options. The Council concludes that from the information supplied, Options 1 (approved under RB2017/0892) and 6 (rebuilding existing reservoirs) within Boston Park are the only viable options for the replacement water storage facility. The applicant has subsequently indicated that due to restrictive covenants and land acquisition it is not possible to implement the previous approval. Accordingly it is now considered that Option 1 is not deliverable and Option 6 is the most preferable solution.

Consequently the principle of development for replacement infrastructure within the Historic Park and Green Belt has previously been considered acceptable and this new proposal is considered to be in accordance with Local Plan Policies CS4 'Green Belt' and CS23 'Valuing the Historic Environment' as well as paragraph 192 of the NPPF.

#### Heritage Impact on the surroundings

In terms of the likely future impact on the nearby listed buildings, it is considered that due to a combination of distance, topography and screening, combined with the low rise nature of the proposed development and that it is replacing existing infrastructure, there will be a no impact on the recently renovated Boston Castle, the listed doorway and Thomas Rotherham College building or the adjacent Conservation Area..

Historic England (HE) have not formally responded to this application, but previously did not raise any objections to the previously approved application RB2017/0892.

In terms of the impact on Boston Park Registered Park and Garden (Grade II), the long term visual appearance of the replacement reservoir will be very similar to the existing structures and would not have any long term impact on the visual amenities of the locality.

In summary, it is considered that there will be no impact on nearby listed buildings, Moorgate Conservation Area or the Green Belt due to this being a replacement facility and the low lying nature of the proposal. Overall it is considered that there is a clear need for Yorkshire Water to meet their obligations on water supply for the western part of the Rotherham area. The proposal is considered to satisfy policy criteria CS19 'Green Infrastructure', CS21 'Landscape', CS22 'Greenspace', Sites and Policies SP 35 Green Infrastructure & Landscape.

#### Archaeological Issues

The South Yorkshire Archaeology Service has indicated that although the results suggest some possible archaeological features are present, the general level of archaeological potential is low. For this reason, SYAS do not consider that any further work is required at this stage and further investigation can be secured by a suitable condition.

The additional details provided within the subsequently submitted Written Scheme of Investigation (WSI) which sets out a strategy for archaeological investigation, has been accepted by SYAS. Consequently the first part of the recommended condition is can be considered to have been satisfactorily carried out.

#### Green Space issues

The existing site is a relatively level piece of open space that lies within the Green Belt and within a Green Infrastructure Corridor. The current proposal is for a replacement covered reservoir on the same site of the current two existing covered reservoirs and includes a small level of re-contouring of the existing reservoir areas. The appearance of the facility is considered to be of similar banked grass elevation as the existing. Likewise, the footprint of the replacement reservoirs is similar to the existing.

This proposal seeks to use some of the adjacent park land (outside of the site area) during the construction phase. This would result in some of the park being closed off to the public for a temporary period (which may last approximately 2 years). However,

providing that this application is approved, the use of the adjacent land for storage and construction purposes associated with this development would be permitted development. This is considered in more detail within the Sport England comments below.

Overall from a green space perspective the proposal would not result in any long term loss of the Boston Park and it is considered that the design of the proposals minimise the visual and operational impact on the Urban Greenspace within the park.

#### Sport England comments

In terms of the impact on formal recreational space, Sport England initially submitted a holding objection to the application due to concerns that the proposal may lead to a downgrading of the adjacent land after completion of the development.

*Yorkshire Water have subsequently confirmed that "...whilst there is no marked out sports pitch, the land to be used for the temporary compound is capable of accommodating one. YW is seeking a lease from Rotherham Council and as part of that agreement we will reinstate the land to the standard required by the council's Green Spaces team. If, despite the length of time since the marked out pitch existed, the requirement is for reinstatement to land that is capable of accommodating a (grass) sports pitch, YW will undertake the necessary work to fulfil the lease obligations."*

Sport England have indicated there is no strategic evidence base that gives justification to permanent loss of the pitch, and they would expect it to be reinstated to land that is capable of accommodating a sports pitch.

The applicant has also confirmed that they have undertaken significant consultation with Thomas Rotherham College *"...on a number of issues and will continue to do so throughout the construction period; any issues with the Artificial Grass Pitch or elsewhere within or outside the college grounds will be dealt with immediately."*

The additional information addresses the issues raised in Sport England's holding objection. The playing field will be reinstated to land that is capable of accommodating a sport pitch and any contamination will be dealt with immediately. The temporary compound will utilise permitted development rights and is outside the red line boundary of the planning application. The land will be leased from the Council and as part of the agreement Yorkshire Water will reinstate the land to a standard required by the Council's Green Spaces Team.

In light of the above, Sport England has withdrawn its objection to this application.

#### Tree and Ecological Issues

The Council's Tree Service Manager has not raised any objections to the principle of the proposal, subject to conditions detailing final planting. The Tree Officer has indicated that T227 is a good quality tree that is proposed for removal and should be replaced. T239 is a small tree with a proposed crown lift of 5.2 metres. This work whilst necessary to allow access to the development will leave the tree structurally unstable as it will remove one half of the tree's canopy. The tree should be felled and replaced in the park.

The Council's Ecologist has indicated that the Phase 1 Habitat survey was undertaken within the optimum time of year. The Ecologist recommends a biodiversity enhancement

plan should be submitted via a condition following completion of the works. However, overall there are no objections to the proposals.

#### Highway Safety issues

The Transportation Unit note that planning permission to construct a new service reservoir on adjacent land was granted in April 2018 (RB2017/0892). Condition No. 5 requires the implementation of measures outlined in a Traffic Management Plan which was the subject of discussions with the applicant's agents and colleagues in Highways.

The current proposal differs in that it is intended to construct the reservoirs on existing operational land following demolition of the service reservoirs. A vehicle movement summary has been submitted which outlines 3 No. construction options. Option 1 involves the generation of some 6,520 vehicle movements over a construction period of 132 weeks. Option 2 involves some 7,393 vehicle movements over a period of 156 weeks and Option 3 involves some 13,012 vehicle movements over a period of 138 weeks.

The approved scheme envisaged a total of 8,264 vehicle movements (of which 2,548 were large vehicles) over a construction period of 72 weeks. The No. of large vehicle movements associated with the 3 No. options now being considered is 800, 1,077 and 1,080 respectively.

A Travel and Traffic Management Plan along the lines previously agreed has been submitted with the current application. This outlines the intended routing of vehicles to avoid large vehicles turning left in and left out at the Boston Castle Grove junction with A618 Moorgate Road. Deliveries are to be targeted to avoid peak hours, only one HGV will be directed along Boston Castle Grove at a time and vehicle movements will be managed by a banksman.

Prior to commencement of work, a dilapidation survey of the public highway should be undertaken and any degradation or damage reported to RMBC. A Memorandum of Understanding will be required which states that liability for repairing any damage caused to the highway would rest with the developer/contractor. The developers should also liaise with the Council's Parking Enforcement section prior to commencing works to discuss active enforcement of the existing waiting restrictions in Boston Castle Grove.

Turning to the objections, the majority of objections received refer to highway issues during construction. A number of objectors suggest that the use of Lawton Lane would be preferable to Boston Castle Grove. Whilst this route may be less heavily trafficked, Lawton Lane is not adopted and the Transportation Unit have indicated a preference for the Boston Castle Grove option during construction. Access along Lawton Lane would also require vehicles to pass through Oakwood High School playing fields, with a subsequent increase in disruption to the use of the playing pitches, blocking the schools overflow carpark and safety risks posed to students and staff when accessing playing pitches. Alternatively, a route through Canklow Woods would detrimentally impact on ecology and the environment due to a significant number of well-established trees (that are subject to a TPO) as well as the route's proximity to a scheduled ancient monument. Neither option is considered preferable to the use of Boston Castle Grove.

Overall, the Transportation Unit have raised no objections to the proposal from a highway aspect subject to the measures outlined in the Traffic Management Plan being implemented throughout the duration of the works.

In summary it is acknowledged that there is likely to be disruption during the construction phase which is likely to be for a lengthier period than anticipated on the previously approved application. However, it is not considered that this will be of sufficient scale to justify refusal on these grounds. In any event, the site has an extant permission and it is considered preferable to maintain the existing long term future of the reservoirs.

#### Design, Scale and Appearance

Core Strategy CS28 'Sustainable Design' requires development to make a positive contribution to the environment by achieving an acceptable standard of design. In addition, paragraph 56 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 scale and height of the proposed reservoir building and its associated equipment is considered to have been designed in order to minimise its overall impact on the park and surroundings. It is considered that the proposed replacement reservoirs are a necessity and is of an appropriate scale for the site. The proposed new reservoirs will be approximately 1m higher than the existing levels although they do have a slightly smaller ground area. Overall upon completion it is considered that the visual appearance of the site would be similar to the current profile. Bearing in mind that the applicant calculates future increases in capacity is required that sufficient regard has been made to blend the structures into the character of the area and the landscaping is considered to soften the appearance for both park users and residents.

Yorkshire Gardens Trust consider that the proposed development would result in less than substantial harm to the significance of the heritage assets in the vicinity, with the majority of Boston Park not affected by the proposal, and with the functional open parkland character of the area retained once construction is complete. Overall they have no objection to this planning application but trust that the work and reinstatement will be carefully executed.

#### Landscaping

There is an area of landscaping proposed around the perimeter of the buildings and also on the front western elevation. The landscaping will assist in softening the appearance of the reservoir construction both in terms of views of the development from within and around the site.

Upon completion of the works the size of the park would be retained in its current form. Whilst the previous application RB2017/0892 provided additional park area, the current proposal would ensure that the more valuable park area in the northern area of the site would be maintained for public use in the long term.

Overall it is considered that the proposed development is of an appropriate scale and design and which will comply with the general advice within the NPPF and Core Strategy CS28 'Sustainable Design.'

#### Drainage and Flood Risk Issues



The site does not lie within an identified Flood Zone or a recognised Surface Water Flood Risk area.

In terms of flood risk issues, the Drainage Officer has indicated that he is now satisfied with the drainage principles for this application, subject to a further detailed drainage plan.

Overall, it is considered that the development of this site for the purposes detailed above are acceptable in flood risk terms, subject to condition.

#### Noise and pollution control Issues

The council's Environmental Health department have not raised any specific issues relating to noise and land contamination issues. Any noise impact will occur during construction phase, particularly with traffic and construction works. The final development is not considered to be materially more significant than at present. It is therefore considered that the application is acceptable when considered against Local Plan policy SP 52 'Pollution Control'.

#### Representations received

The Council notes that a significant number of objections have been received to this application with the majority of these focussed on highway movements during the construction period, the use of Boston Castle Grove by contractors, and the potential loss of amenity in the park during the construction phase.

It is acknowledged that there will be some disruption to nearby residents during the construction period, however, it is considered that these will be reduced by the implementation of the measures outlined in the traffic management plan but the long term benefits of the proposal are considered to outweigh the disruption that will inevitably occur during the construction phase.

#### **Conclusion**

The site is allocated for Green Belt purposes in the Local Plan and lies within a grade II historic park and garden. It is considered that the applicant has provided sufficient justification to demonstrate that there is a need for this replacement infrastructure development in this location.

The applicant previously listed a number of available options that have been considered by Yorkshire Water with the advantages and disadvantages of each. Overall the Council considers that the option selection process has been robust and that the rebuilding of the existing reservoirs is the most favourable option in the long term. The principle of a replacement development within a historic park and within this green belt location is considered to be acceptable.

The Transportation Unit have indicated that they consider the use of Boston Castle Grove to be the most appropriate point of access and subject to a condition requiring the provision of a Traffic Management Plan during the construction phase have not raised any objections.

The site is not considered to have any higher level of future flood risk than the surroundings and the Council's Drainage Officer has not raised any flooding or drainage concerns subject to conditions.

Overall the replacement of the reservoirs is considered to be a necessary public infrastructure improvement that is of an appropriate scale for the surroundings. Upon competition the proposal is not considered to have any visual impact on the heritage assets.

The application is therefore 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 QR04-06-MMB-00-ZZ-DR-C-1000 Rev C2

Site layout plan QR04-06-MMB-00-ZZ-DR-C-1002 Rev C2

Site demolition plan QR04-06-MMB-00-ZZ-DR-C-1004 Rev C2

Sections and Elevations QR04-06-MMB-00-ZZ-DR-C-1003 Rev C2

Design and Access Statement

received 16.10.19

Reason

To define the permission and for the avoidance of doubt.

03

The development shall not be brought into use until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason

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

04

Prior to the development being brought into use, the developer shall submit final details to clad exposed concrete walls of the dosing house on the north side of the new reservoir (closest to the Castle) in a natural stone to match stone used in other walls in and around the park. These details shall be submitted to the Local Planning Authority and agreed in writing.

Reason

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

05

The development shall be carried out in accordance with the measures outlined in the Traffic Management Plan (ref Planning Application Design Access Statement October 2019) throughout the duration of the construction works.

Reason

In the interests of road safety and in order to minimise congestion and disruption to the surroundings, in particular to nearby residential properties.

06

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.

07

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

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

A tree monitoring program to include:

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

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

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

Reason

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

08

A suitable scheme of proposed tree planting and pits shall be submitted to and approved by the Local Planning Authority prior to the first use of the development hereby approved.

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.

#### 09

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

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

- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and 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 Local Plan Policies.

10

Details of the proposed means of disposal of foul and surface water, including details of any off-site work and on site attenuation of surface water flows, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained in accordance with Local Plan Policy SP52 'Control of Pollution'.

11

Prior to completion of the new reservoir facility, a Biodiversity Improvement Scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate how ecological enhancement and biodiversity gain will be delivered. The development shall then be carried out in accordance with the approved details.

Reason

In order to enhance the level of biodiversity and ecological gain.

12

Part A (pre-commencement)

Any demolition and groundwork shall only take place in accordance with a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation which has been submitted to and approved in writing by the Local Planning Authority. The WSI shall include:

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

Part B (pre-occupation/use)

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

**Reason**

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

13

Prior to the final completion of development the temporary compound and all associated construction equipment and material on the adjacent site (indicated on plan ref Site demolition plan QR04-06-MMB-00-ZZ-DR-C-1004 Rev C2 which is temporarily within the applicant's control and will utilise permitted development rights during construction) shall be removed in its entirety. Following the removal of site equipment a scheme of reinstatement/restoration shall be agreed in writing with the Council's Green Spaces Team. The scheme will be implemented in accordance with the approved details.

**Reason**

In order to protect the long term amenity of the park and to ensure that the site can be brought up to a standard capable of accommodating a pitch sport if required.

**Informatives**

- a) The applicant is requested to contact Colin Knight in Highways ([Colin.knight@rotherham.gov.uk](mailto:Colin.knight@rotherham.gov.uk)) prior to the commencement of works with regard to the preparation of the Memorandum of Understanding.
- b) At all times before and during the construction phase, Yorkshire Water's contractors shall advise the Council's Urban Green Spaces Manager (Andy Lee) of their proposed operations and measures to minimise their impact on park users, and to work constructively with him to accommodate any requests or requirements he may have.
- c) Yorkshire Water are requested to provide and maintain one or more information board on site for park users, with details of the work, why it is being undertaken, programme, expected completion date, and contact details (name, phone number and e-mail address) for enquiries etc.
- d) Sheffield Area Geology Trust (SAGT) has no objection, providing that the proposed works do not cause any damage to the existing rock face. There may also be an opportunity to collect valuable scientific information from excavations made into Mexborough Rock during the works and SAGT requests the developer to offer an invitation to SAGT to make a brief site visit, at a convenient time, to inspect and make a photographic record of any in-situ rock exposure which may be temporarily revealed in the excavations (contact: John Hunter, Peter Kennett [sageologytrust@gmail.com](mailto:sageologytrust@gmail.com)).

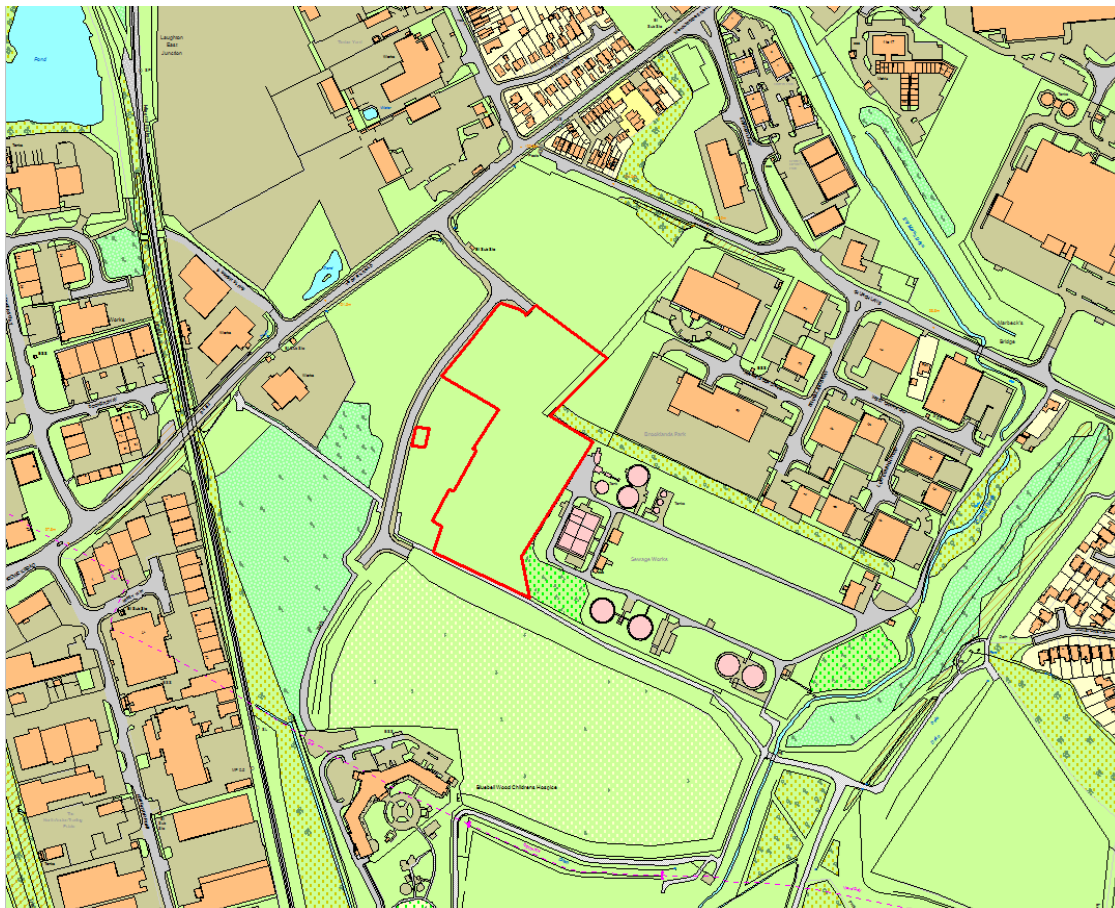
**POSITIVE AND PROACTIVE STATEMENT**

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.

<b>Application Number</b>	<b>RB2019/1838</b> <a href="https://rotherham.planportal.co.uk/?id=RB2019/1838">https://rotherham.planportal.co.uk/?id=RB2019/1838</a>
<b>Proposal and Location</b>	Erection of 2 no. industrial buildings (Use Class B1 (b&c), B2 and B8) with associated service yard, car parking, substation & boundary fence (2.4 metres high) at land off Todwick Road, Dinnington, Rotherham, S25 3SE
<b>Recommendation</b>	Grant subject to conditions

This application is being presented to Planning Board as it is a 'Major' development.



### Site Description & Location

The site is currently being developed out in accordance with RB2018/0909 and RB2019/0625 with the access road having been implemented along with a couple of the buildings nearing completion. The site is located centrally in the wider employment site known as East 31, and is reclaimed from the former Dinnington Colliery site.

The site is in two sections with the adopted access road through the centre. The site is bounded by Todwick Road to the west, with other undeveloped land to the north, east and south.



There are houses beyond the wider employment site to the north on Church Lane, with other surrounding uses being commercial in nature.

The site is relatively level, and is overgrown with self-set grass/shrubs, there are some trees along the Todwick Road frontage with a few other trees and hedgerows around the site.

## **Background**

There have been numerous applications submitted relating to this site:

RB1996/0587 - Infilling of former colliery railway cutting with imported inert waste – Granted Conditionally 27/06/96

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

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

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

RB2004/1346 -Outline planning permission has been granted for mixed use development of the former colliery site including the following use classes B1 Use (excluding offices) B2 General Industry and B8 Storage and Distribution – Granted Conditionally 01/04/05

RB2008/1562 – Formation of new access road – Granted Conditionally 20/11/08

RB2018/0909 – Erection of 7 No buildings for use classes B1 (b&c), B2 and B8 with associated service yard, car parking, boundary fencing and substations – Granted Conditionally 07/12/18

RB2019/0625 – Erection of 2 no. industrial buildings (Use Class B1 (b&c), B2 and B8) with associated service yard, car parking, substation & boundary fence (2.4 metres high) – Granted Conditionally 02/07/2019

## **Proposal**

The planning application proposes the construction of two individual buildings for use classes B1 (b & c), B2 and B8 with associated service yards, car parking, substation and boundary fencing.

The proposed buildings are of a modern functional industrial design and are orientated to work with those previously consented under RB2018/0909 and RB2019/0625.

The current application has been submitted in respect of a revision to Building 7 approved previously under RB2019/0625. Building 4 approved under the same

application is nearing completion and is not altering from that approved under RB2019/0625.

Building 7 is proposed to be amended from that previously approved due to an end user now being interested in the building and requiring the alterations to meet their requirements. A recent enquiry (ref: RB2019/1731) explained that the building is proposed to be used for the cleaning, treatment and pelletisation of refuse derived fuel, which would fall within use class B2.

The changes from the previously approved scheme for Building 7 are as follows:

- The building is one bay shorter – a reduction of 7.5m. The building is now proposed to be 112.5m long.
- The building will be 2m taller at approximately 12m high to the ridge.

The building would be of a similar design and appearance to that previously approved insofar as the building would be constructed to have both profiled and flat metal cladding with a coloured outer face. The predominant colours will be grey and green. The entrance doors will be glazed with a powder coated frames, coloured either blue or green. The buildings will have a short overhanging roof at the front, approximately 2m long, forming a high level canopy.

In addition to the changes to the building, the external layout around the building is to be amended to suit the prospective occupant with the addition of a water tank, sub-station complex, air handling plant, quarantine area, refuse area and weighbridge.

The parking provision is to be reduced from 86 spaces to 34 spaces.

The substation proposed under this application would be sited adjacent to the side elevation of Building 6 to the east of the internal access road. It would be approximately 3.7m x 3.7m with a shallow pitch roof with a ridge height of 2.4m, which is unaltered from that approved under RB2019/0625.

The boundary fence would be of a weld mesh construction approximately 2.4m high in black with matching gates and would be similar to the proposed fence around the wider industrial estate previously approved and is unaltered from that approved under RB2019/0625.

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

#### Design and Access Statement

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

#### Flood Risk Assessment

This sets out that the site is within Zone 1 as shown on the Environment Agency's Flood Map and is not at significant risk of flooding from any source.

#### Land Contamination Survey

It is concluded that the site does not contain any significant and/or widespread contamination sources. The risk to human health is therefore considered low with no specific environmental remediation required.

#### Transportation Statement

This concludes that the traffic generated by the development proposals at this junction is not considered to be severe and it can be satisfactorily accommodated without the need for any mitigation measures.

#### Ecology Survey

This proposes enhancements to include:

- Shrub and tree planting which includes a diverse mix of native and non-native species in accordance with recognised good practice.
- Bat Roosting Opportunities
- Any proposed new external lighting for the development should be designed to ensure that lights are angled downward and that night time light levels remain relatively low.
- Bird Nesting Opportunities

An Ecological Addendum was submitted to take account of the extended survey area. It noted that the extended survey area contains scattered trees, scrub and ruderal of limited ecological value. The survey identifies no additional ecological feature or effects beyond those identified within the Phase 1 survey.

With the implementation of the mitigation and enhancement measures outlined within the Phase 1 survey, the scheme is considered to adhere to all relevant nature conservation legislation. The mitigation and enhancement measures set out within the Phase 1 survey can be secured through appropriately worded planning conditions as part of any planning consents granted.

#### Noise Report

This concludes that assessment of impact indicates an adverse impact, and that is to be expected, given that there are currently no activities on the site. The actual sound levels at the identified noise sensitive areas are low, by virtue of the reasonable distance involves (130 to 190 metres) and some degree of acoustic screening from buildings. Given that, and the general commercial / industrial character of the surrounding area and noise climate, it should be reasonable to permit night time vehicle servicing operations without specific restrictions. When assessed using the Planning Practice Guidance, this would equate to 'no observed adverse effect'.

#### Framework Travel Plan

This states that the individual businesses will prepare Travel Plans the key aim being to –

- Encourage sustainable travel choice by increasing walking, cycling and the use of public transport.

- Reduce traffic speeds and improve road safety and personal security.
- Consider more environmentally friendly delivery and freight movements, including home delivery services.

### **Development Plan Allocation and Policy**

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

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

Local Plan policy(s):

CS1 Delivering Rotherham's Spatial Strategy  
CS3 Location of New Development  
CS9 Transforming Rotherham's Economy  
CS14 Accessible Places and Managing Demand for Travel  
CS19 Green Infrastructure  
CS20 Biodiversity and Geodiversity  
CS21 Landscape  
CS23 Valuing the Historic Environment  
CS24 Conserving and Enhancing the Water Environment  
CS25 Dealing with Flood Risk  
CS26 Minerals  
CS27 Community Health and Safety  
CS28 Sustainable Design  
CS30 Low Carbon & Renewable Energy Generation  
CS33 Presumption in Favour of Sustainable Development  
SP1 Sites Allocated for Development  
SP16 Land Identified for Industrial and Business Uses  
SP26 Sustainable Transport for Development  
SP32 Green Infrastructure and Landscape  
SP33 Conserving and Enhancing the Natural Environment  
SP35 Protected and Priority Species  
SP36 Soil Resources  
SP42 Archaeology and Scheduled Ancient Monuments  
SP47 Understanding and Managing Flood Risk and Drainage  
SP52 Pollution Control  
SP54 Contaminated and Unstable Land  
SP55 Design Principles  
SP56 Car Parking Layout  
SP57 Sustainable Construction

Joint Waste Core Strategy

WC27 Managing Waste in all Development

### **Other Material Considerations**

Council's Car Parking Standards.

National Planning Practice Guidance (NPPG) (as amended)

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 existing industrial / commercial properties. No letters of representation have been received.

### **Consultations**

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

RMBC – Landscape Design: Have no objections subject to conditions.

RMBC – Ecologist: No objections subject to conditions.

RMBC – Tree Service Manager: No objections subject to conditions.

RMBC – Environmental Health: No objections subject to conditions.

RMBC – Air Quality: No objections in terms of air quality subject to a condition requiring the provision of electric vehicle charging points.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Drainage: Have no objections subject to conditions.

Severn Trent Water: No objections subject to conditions.

South Yorkshire Archaeological Service: No objections.

Sheffield Area Geology Trust: Have no objections.

### **Appraisal**

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

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

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

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

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

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

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

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

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

The main considerations in the determination of the application are:

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

#### Principle of development

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

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

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

*f. effect on other environmental matters; g. potential to maintain and create links to green infrastructure.”*

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

The application proposal is for B1 ((b) research and development & (c) light industrial); B2 (industrial) or B8 (storage and distribution) on this site which is allocated for Industrial and Business use within the adopted Local Plan. In accordance with policy SP16, B1 (b) & (c), B2 and B8 uses are permitted in principle. Whilst the proposal is still speculative in nature it is considered that the proposal is acceptable in principle and will contribute towards employment growth targets in the locality. However, should the use set out in the recent enquiry RB2019/1731 operate from the premises it would fall within use class B2, and as such it would also be acceptable in principle and contribute towards employment growth targets in the locality. Accordingly, the proposal is considered to comply with the above relevant Local Plan policies.

Further to the above the principle of development has been established under RB2018/0909 and RB2019/0625 and these schemes are currently being developed out, as such the previous applications are extant.

#### Design, layout and scale

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

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

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

SP55 ‘Design Principles’ states that: *“All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions...Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:*

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

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

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

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

*"1 Energy*

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

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

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

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

- a. identify how recycled materials will be used during construction unless it can be demonstrated that it would not be technically feasible or financially viable or the nature of the development requires appropriate use of local materials;*



- b. meet the relevant BREEAM 'very good' standards or better for non-residential buildings over 1,000 square metres unless it can be demonstrated that it would not be technically feasible or financially viable;*
- c. demonstrate how the installation of integrated renewable and low carbon energy technologies in new and existing non-residential developments, in order to off-set CO2 emissions and mitigate the impacts of climate change, has been assessed and included within the development unless it can be demonstrated that it would not be technically feasible or financially viable. These could include (but are not limited to):*

- i. solar thermal*
- ii. solar photovoltaic*
- iii. biomass boilers*
- iv. ground source heat pump*
- v. wind turbines*
- vi. combined heat and power schemes & associated infrastructure*

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

The application proposes amendments to the previously approved RB2018/0909 and RB2019/0625, in the form of alterations to the size of Building 7 and changes to the land around it. The location, design and appearance of the building will largely remain as previously approved, with the only difference being that Building 7 will be reduced in length and increased in height. Other changes include the external layout around the building to suit the prospective occupant with the addition of a water tank, sub-station complex, air handling plant, quarantine area, refuse area and weighbridge.

It is considered that the design of the amended building will be appropriate to this site, and the previously approved landscaping scheme provides some screening and softens its appearance, especially from the main road. The use of high quality materials will also assist in providing an appropriate development on this site with the proposed materials providing a modern and contemporary finish.

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

Overall it is considered that the proposed alterations still result in a development that would be of a high quality and appropriate in scale and design to comply with the relevant Local Plan policies above.

#### Transport issues

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

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

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

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

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

The NPPF further notes at paragraph 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 overall highway impact of the development was fully assessed under RB2018/0909 and RB2019/0625 when those application were submitted with a Transport Statement and modelling in respect of the A57 / Todwick Road roundabout. The previous highway work confirmed that additional vehicular trips would have minimal impact on the operation of the roundabout and the Council's Transportation Infrastructure Service accepted the conclusion that vehicular trips associated with the previously approved seven buildings would have a minimal impact upon the operation of the roundabout.

Highways England also confirmed, under the previous applications, that they had no objection in terms of highway safety.

The current proposal from a highway perspective is that the number of parking spaces associated with Building 7 is to be reduced from 86 spaces to 34 and the applicant has

confirmed that a total of 16 no. staff / visitors are anticipated during the day and some 11 no. during the night at this building when operational.

In light of the above the Council's Transportation Infrastructure Service have raised no objections to the revised layout.

It is noted that the A57/B6463 Todwick Road roundabout experiences queuing and delays at peak periods and the Council's Transportation Infrastructure Service is to undertake peak time experimental traffic control at the junction in order to assess possible future mitigation measures.

It is therefore considered that the proposed alterations hereby proposed would be acceptable from a highway safety aspect and are in accordance with the above relevant Local Plan policies and paragraphs of the NPPF.

It is of note that the recommended highway conditions imposed by previous approvals will once again be recommended on this application.

#### Drainage and flood risk issues

Policy CS24' Conserving and Enhancing the Water Environment' states: *"Proposals will be supported which: a. do not result in the deterioration of water courses and which conserve and enhance..."*

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

Policy SP47" Understanding and Managing Flood Risk and Drainage" states, part, that: *"The Council will expect proposals to:*

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

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

The application was supported by a Flood Risk Assessment and drainage details. These details were considered to be acceptable, and to be in compliance with the

above relevant Local Plan policies. Accordingly, there are considered to be no flood risk or drainage issues subject to conditions with the amended scheme.

#### Ecology/Biodiversity matters

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

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

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

The NPPF further advises in part of paragraph 170 that: *"Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things): d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures..."*

The application was supported by an Ecological Survey, Ecological Addendum and Phase 1 Habitat Survey, which has been assessed by the Council's Ecologist who is happy that the assessment was undertaken at the correct time of year, and that relevant species have been identified within the report. Particular attention was given to the submitted reptile and amphibian surveys which are considered to have been undertaken in a thorough manner.

The Survey includes recommendations for mitigation measures and biodiversity enhancement measures, such as tree and shrub planting to include native species, sensitive lighting, bat and bird boxes, a wildlife refuge and woodpile habitat.

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

*Measures that waste soil resource, reduce soil quality, compact or pollute soils or that create a predominantly impermeable surface should be avoided.”*

In this regard it is considered appropriate that the submission of details of the quality of soils on site and their movement and temporary storage during construction to ensure that the character of the soil is conserved. This will form part of the required Construction Management Plan condition.

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

#### Landscape and trees matters

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

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

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

Policy CS21 ‘Landscapes,’ states, in part, that: *“New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective*

*landscape management mechanisms including long term landscape maintenance for the lifetime of the development.”*

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

The application site is located within the Anston Brook / Sandbeck Green Infrastructure Corridor and the application has been supported by landscape details. It is considered that the existing planting and proposed landscaping will create an attractive roadside frontage along Todwick Road. The overall planting scheme is considered to be appropriate and will contribute positively to the development and the surrounding area.

The Tree Service does not object to the development however feels the planting plan requires a greater level of detail to realise the site’s green potential and minimise habitat loss.

The previous application which increased the boundary and size of Buildings 4 and 7 (RB2019/0625) required the removal of 5 early-mature trees and an established hawthorn hedgerow. The current application would still require this to occur. The Council’s Tree Service noted on RB2019/0625 that the surrounding area is predominantly industrial and open grass land interspersed by sections of hedgerow and established trees of mainly UK native species, the removal of this habitat is a great loss to the immediate area and threatens to break up existing green corridors vital for small birds and mammals. Oak and Pine trees are also proposed to be removed, these early-mature trees are at their peak in terms of environmental service value and are amongst some of the oldest living tree species with upwards of a hundred years of useful life remaining. The amenity and habitat these trees provide take decades and centuries to develop and cannot simply be replaced.

Since the onset of Ash Dieback in the UK a restriction has been in place banning the import, sale and transportation of all Ash trees not under a strict licence. As the planting plan includes an Ash cultivar the Tree Service would like to see a proportionate substitution on a one to one basis so as to maintain the proposed planting numbers.

The Tree Service would like to see adequate mitigation for the loss of habitat and local amenity; opportunities exist to establish several small groups of trees in key locations along the outward facing boundary edges of Buildings 7 and 4. Suitable species could include any of the fastigiate type UK natives in the narrow shrub beds to the north and east, and to the south where more room is available some broader species such as Hawthorn (*Crataegus*), Honey Locust (*Gleditsia*), Italian Alder (*Alnus*), Judas Tree (*Cercis siliquastrum*), Hornbeam (*Carpinus*) or Strawberry Tree (*Arbutus unedo*). The planting would help to break up the continuous line of the building and soften the transition into the wider landscape. 12-14 cm girth root balled nursery stock is preferred to the 6-8cm bare root proposed, the larger stock gives more immediate amenity value and the root ball provides some resilience during the first year of establishment.

It is widely accepted that the volume of soil available for young tree development is an important limiting factor in them achieving longevity in the landscape. This may not need to be much of a consideration for trees planted in large shrub or grass beds however the amenity plantings situated in predominantly hard surface area such as in the car parks need greater attention.

Where load bearing hard surfaces are to be utilised within the rooting volumes structural soils and retaining structures are to be use to facilitate root access to un-compacted and well aerated soils. The Tree Service requires a method statement detailing how the above will be achieved.

Given the scale of the development the Tree Service would expect to see 20 additional trees planted as per the recommendations above, which can be secured via a condition.

It is therefore considered that, subject to conditions requiring additional tree planting, the proposed landscape and tree details would be in compliance with the above relevant Local Plan policies.

#### General amenity issues – contaminated land, noise and air quality

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

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

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

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

*adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals.”*

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

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

In relation to noise impacts, the application was supported by a Noise Assessment. The proposal is still for a speculative development, although there has been some enquiries regarding its future it is not guaranteed at this stage that the use set out in RB2019/1731 will come to fruition, as such the Noise Assessment submitted was assessed taking into account the worst case scenario. It is noted that the closest residential properties are located on Church Lane to the north, whilst Bluebell Wood Hospice is located to the south. As such there is potential for the sensitive receptors to be affected by noise and dust during the construction phase, and from noise from plant, machinery and vehicles once operational, particularly during night time periods.

In this regard the Environmental Health Officers have recommended specific conditions to be attached to control any noise created at the site during night time hours. The site is currently vacant, and so the presence of new industrial development will create some noise and disturbance to local residents. However, with the recommended conditions to limit any noise generated from the site during night time hours, it is considered that the impact on residential amenity would not be significant on this allocated site, and as such the proposal is considered to be acceptable in this regard.

In respect of land contamination the applicants have submitted a Phase 2 Geo-Technical and Geo-Environmental Investigation Report which has been assessed by the Environmental Health Section. This Report indicated that the site was split into three separate zones, zone 1 – Infilled Borrow Pit area, zone 2 – Infilled railway cutting, Zone 3 remainder of site.

Zone 1 was found to have a ‘high wall’ which will require further investigation to determine appropriate foundation design. Also due to the high volume of Colliery Spoil some deposits of such materials could be at risk of smoldering or combusting if ignited. This will require mitigation. Asbestos has also been found in this area. Zone 2 will require further investigation to fully delineate the area. Zone 3 has areas of localised made ground.



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

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

The construction of the development would have the potential to generate dust from construction activities and changes in air quality because of exhaust emissions from plant and construction vehicles. The main likely effects on local air quality during construction relates to dust. A range of measures to minimise or prevent dust would be implemented and it is considered that both prior to and following mitigation, the significance of residual impacts would be negligible.

In relation to the operational phase of the development it is considered appropriate for an Electric Vehicle Charging point to be provided for each of the 2 buildings proposed. The Council's Air Quality Officer has assessed the submitted information and subject to the mitigation measures proposed has no objections. It is therefore considered that in relation to Air Quality issues the proposal is in accordance with the relevant Local Plan policies.

#### Impact on existing /proposed residents

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

The South Yorkshire Residential Design Guide (SYRDG) notes that: in respect of ensuring adequate levels of daylighting, distances should, as appropriate to specific circumstances, be limited by the 25 degree rule.

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

It is noted that there are existing residential properties situated on Church Lane approximately 135m from the site, and Bluebell Wood Hospice is located approximately 190m from the site.

The provision of commercial buildings on the site will have an impact on the outlook from the properties as well as general amenity, especially as the site is currently vacant with no built development present. However due to the separation distance between the houses, hospice and the proposed buildings, it is considered that the impact upon residents' amenity will not be significant.

In relation to the impact of the development in terms of noise and disturbance this is covered above and it is concluded that with suggested condition there would be no significant adverse impact on the residential amenity of the nearby occupiers.

## Heritage issues

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

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

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

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

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

The site development guidelines require the proposal to be supported by a Heritage Statement for Archaeology. Whilst the application was not supported by a Heritage Statement, South Yorkshire Archaeology Service (SYAS) have commented that this area was considered during the archaeological assessment of local plan allocations and was assessed as having little or no archaeological potential. They therefore have no objections to the proposed development, and it is considered to comply with the above relevant Local Plan policies.

## **Conclusion**

The site is allocated for Industrial and Business Use within the Local Plan and it forms the Employment Site E14 and the principle of development has previously been established.

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

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

### **Conditions**

#### **General**

01

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

42019/031A, received 22 November 2019  
42019/032B, received 22 November 2019  
42019/033A, received 22 November 2019  
42019/034D, received 22 November 2019  
C1063405 Rev A, received 22 November 2019

#### **Reason**

To define the permission and for the avoidance of doubt.

02

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 42019/034D. The development shall thereafter be carried out in accordance with these details.

#### **Reason**

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

03

The proposed development shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the first building is brought into use.

#### **Reason**

In the interests of the visual amenity of the area.

#### **Transportation / Sustainability**

04

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

05

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

Reason

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

06

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

Reason

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

07

Details of 1 electric vehicle charging point for each building and the timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable.

Reason

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

General Amenity

08

The details and requirements set out in the Construction Management Plan submitted and approved under RB2019/0786 shall be wholly implemented throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of highway safety and residential amenity.

09

Operations at the site shall not exceed a free-field noise level of 60dB LAmax and 45dB LAeq, 15mins at 1m outside bedrooms of noise sensitive dwellings from any indoor and outdoor activity that takes place on site between 23:00- 07:00 Monday to Sunday.

Reason

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

10

No noise generating plant including mechanical ventilation or refrigeration/air conditioning, extraction plant shall be installed in any part of the development until full and precise details have been submitted to and approved in writing by the Local Planning Authority. The details shall include a BS4142:2014 noise assessment by a competent person and shall detail any mitigation measures, physical or operational, to achieve a rating noise level which does not exceed the background noise level. Any mitigation measures identified in the report shall thereafter be implemented in their entirety and retained for the life time of the development.

Reason

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

11

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

Reason

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

#### Contaminated Land

12

The requirements set out in the Phase II Intrusive Investigation Report submitted and approved under RB2019/0786 shall be undertaken throughout the site, unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

13

The requirements set out within the Remediation Method Statement submitted and approved under RB2019/0786 shall be carried out in accordance with the findings identified within the approved Phase II Intrusive Investigation Report and under a full quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation works.

Reason

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

14

In order to minimise the risk from soils identified with high calorific values (with potential to combust), all heavily loaded electricity supplies within trenches will need to be isolated from the made ground materials and sealed to prevent any air ingress. These works will need to be validated and confirmed in the format of a Verification Report to be submitted to and approved in writing by the Local Planning Authority.

Reason

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

15

Buried concrete for the site should be designed to a design sulphate classification of DS-1 for natural ground and DS2 for made ground. A corresponding ACEC class of AC-2 should be considered for made ground across Zones 2 and 3 and an ACEC class of AC-3z in the upper made ground in Zone 1 and AC-1 in the natural 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.

16

Subject to condition 12 above, in the event that gas protection measures are still required for any new builds then a detailed specification of the gas protection measures to be installed shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented.

Reason

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

17

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

18

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

19

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

#### Reason

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

20

The specification of the water supply (barrier) pipes submitted and approved under RB2019/0786 shall be implemented throughout the site unless otherwise agreed in writing with the Local Planning Authority.

#### Reason

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

#### Ecology

21

Within 1 month from the date of this permission, details of the mitigation and enhancement measures identified in the submitted Ecological Impact Assessment and Reptile Survey and Ecological Addendum, along with timescales for implementation,

shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented and maintained in accordance with the approved timescales.

Reason

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

Landscaping and Trees

22

Within 1 month from the date of this permission, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

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

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

Reason

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

23

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

Reason

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

24

A suitable scheme of proposed tree planting and pits shall be submitted to and approved by the Local Planning Authority prior to the first use of the development



hereby approved. The scheme shall include the following comprehensive details of all trees to be planted:

- Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.
- Locations of all proposed species.
- Comprehensive details of ground/tree pit preparation to include:
  - 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.

#### Drainage

##### 25

The foul and surface water drainage scheme submitted and approved under RB2019/0786 shall be implemented in accordance with the approved details before the development is completed, unless otherwise agreed in writing with the Local Planning Authority.

#### Reason

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

##### 26

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.

##### 27

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

**Reason**

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

**Sustainability**

28

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

**Reason**

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

**Informatives**

01

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

- i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 - 18:00 Monday to Friday and between 09:00 - 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.
- ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 - 18:00 on weekdays and 09:00 - 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).
- iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of

soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

- iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.
- v) All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites'

02

A 5-10mph speed limit should be introduced across the site. As there are no restrictions on the amount of vehicles entering and exiting the site, introducing and confirming this speed limit would reduce any potential noise issues from the acceleration and deceleration of the vehicles across the whole of the site, particularly overnight between 23.00hrs-07.00hrs.

03

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

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

04

In respect of condition 24 the Council would expect to see the addition of 20 trees planted and suitable substitutions to Ash cultivar would need to reach a mature height in excess of 10m with a fairly open crown as to replicate the crown type and form that would have been provided by the Ash. *Zelkova serrata* or *Liquidambar styraciflua* would make good alternatives.

05

If any major earth movements are required they shall be undertaken in accordance with a detailed earthworks/materials management plan to be submitted to and approved in writing by the Local Planning Authority to ensure that the geotechnical and contamination risks are managed appropriately.

06

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

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

07

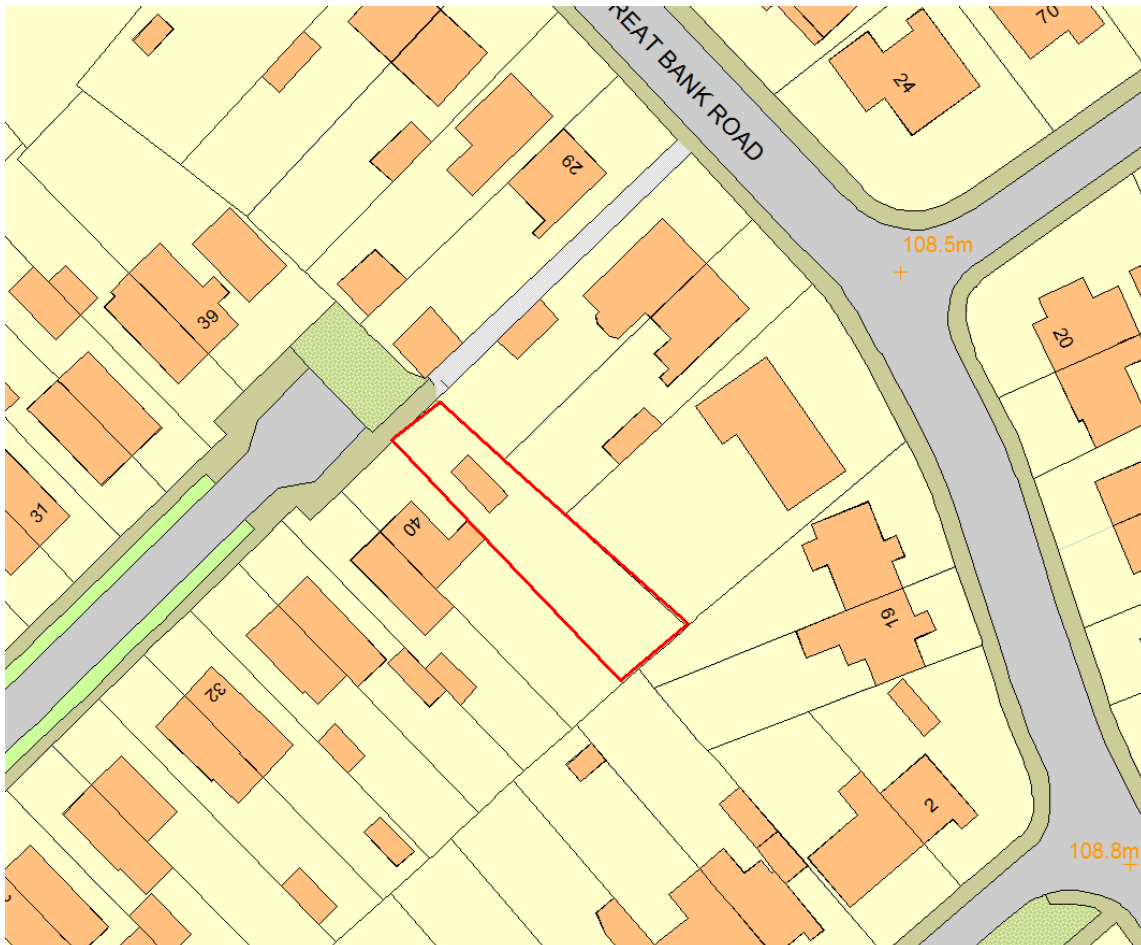
Severn Trent Water advises that there is a foul and a combined water pressurised sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. This sewer will have an easement and the site layout should be designed to take into account the position of these pressurised sewers. If the developer proposed to divert these sewers and they are able to be diverted it will have to be carried out as an engineering scheme by Severn Trent Water or our contractors under a S185 Diversion Agreement. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).

#### 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.

<b>Application Number</b>	<b>RB2019/1887</b> <a href="https://rotherham.planportal.co.uk/?id=RB2019/1887">https://rotherham.planportal.co.uk/?id=RB2019/1887</a>
<b>Proposal and Location</b>	Demolition of existing garage and erection of No. 1 detached dwellinghouse at Land adjacent to 40 Brecklands, Herringthorpe
<b>Recommendation</b>	Grant Conditionally

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



### Site Description & Location

The application site consists of the side garden area of an existing semi-detached dwelling on a cul-de-sac – Brecklands in Herringthorpe. The site was formerly occupied by a detached garage which has been demolished to facilitate the development. The street scene consists of hipped roof semi-detached properties which are all very similar in terms of design and materials.

The host property is a semi-detached dwelling which has a small side extension.

The street is a long cul-de-sac off the Stag roundabout and the dwelling is the last property on the road. To the north are dwellings on Great Bank Road which lie at a higher level. One of the properties directly adjacent to the boundary is a detached bungalow, however there are also two storey properties adjoining the site. A pedestrian footpath runs from Brecklands to Great Bank Road which appears to be well used. The boundary to the north consists of a close boarded fence.

## **Background**

No relevant planning history.

## **Proposal**

This application seeks permission for the erection of a detached dwelling within the existing side garden area. Revised plans have been received during the course of the application which revises the roof design of the proposed dwelling from a gable style to a hipped design.

The position of the proposed dwelling is set back in relation to the existing property by approximately 2.5 metres. Due to the levels on site, the floor level of the proposed dwelling will be approximately 500mm higher than the existing. The ridge height of the existing dwelling is 8 metres compared to a ridge height of 7.8m on the new dwelling.

The design of the proposed dwelling is traditional, with a double height bay window to the front and a small single storey projection comprising of a porch and a small integral garage. The design incorporates heads and cills to windows.

Two off road parking spaces are proposed for both the host property and existing within the existing front garden area.

## **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 use. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS28 Sustainable Design  
SP12 Development on Residential Gardens  
SP55 Design Principles

## **Other Material Considerations**

South Yorkshire Residential Design Guide  
Council's Parking Standards

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

National Planning Policy Framework: The revised NPPF came into effect in February 2019. It sets out the Government's planning policies for England and how these should

be applied. It sits within the plan-led system, stating at paragraph 2 that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise” and that it is “a material consideration in planning decisions”.

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

## **Publicity**

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 10 letters of representation have been received. The objections are summarised below:

- Parking on Brecklands is already a problem with many people having at least two cars/vans and this development will make the situation much worse;
- If permission is granted construction traffic will use the road, blocking access to the passageway between Brecklands and Great Park Road;
- Access will be restricted for emergency services;
- The house and parking will damage the access of the footpath as cars will drive over it to access the new house;
- Drainage is a problem on Brecklands with the drain outside No. 40 frequently getting blocked;
- The area is a known bat zone;
- The removal of the wall to the front garden area will not enhance the visual amenity of the area;
- The integral garage is only 2.8 metres in length;
- No tests have been shown to indicate that it is possible to use a soakaway for drainage to the property;
- It is not unreasonable to conclude that the proposal is overdevelopment of the site;
- The existing entry and exit from the main road is already hazardous due to the popularity of the businesses on Stag roundabout and the constant flow of commercial vehicles up and down the street is a danger to residents;
- The proposed property is to be built up to the boundary with No.27 Great Park Road which could affect the stability of the boundary wall due to level differences on site;
- The property will be built over a mine shaft which will cause instability;
- The proposed dwelling will overshadow the garden area of No. 25 Great Park Road and will cause a loss of light to a private rear garden area;
- The reversing of cars in and out of the drive will be a hazard to pedestrians using the passageway from Brecklands to Great Park Road.

## **Consultations**

RMBC - Transportation Infrastructure Service: Raise no objections to the proposals in a highway context subject to a condition relating to hard surfacing of the parking areas.

RMBC – Ecologist has no objections subject to a preliminary bat roost assessment being undertaken in relation to the existing mine shaft on site.

RMBC - Environmental Health – No objections.

## **Appraisal**

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

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

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

The main considerations in the determination of the application are:

- Principle of development
- The design, layout and impact on the streetscene
- The impact on local amenity
- Highway access & parking
- Ecology
- Drainage

### The principle of the development

Policy SP 12 '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:

- 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."

The proposed development site is a side garden area at the end of a cul-de-sac, it is essentially an infill plot where there is no opportunity for further development. The site is surrounded by residential properties and the impact on the amenity of these existing dwelling is considered in a subsequent section below. Similarly, the impact of the proposal on the character of the area is considered below.

In terms of the residential development of this site, within an area allocated for residential use is broadly considered to be acceptable in principle subject to compliance with points (b) and (c) above.

### The design, layout and impact on the streetscene

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 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.

The application site lies at the end of a cul-de-sac which comprises of traditional design semi-detached properties of brick and render construction. The majority of properties consist of traditional features and are of hipped roof design. The proposed development has been amended during the course of the application to include a hipped roof design to follow the form of the existing dwellings within the street scene.

The design of the proposed dwelling follows the form of the existing properties and the use of double height bay window to the front elevation mimics those which are seen in existing properties. Similarly, the use of traditional architectural details such as the scale of the fenestration and the use of heads and cills above/below windows will allow the new dwelling to integrate within the street scene in terms of its design.

The roof height of the new dwelling will be slightly higher than the adjacent property due to the land levels rising slightly towards Great Park Road, however, this will be minimal and is considered to be acceptable.

The proposed dwelling is set back from the road in relation to No. 40 by approximately 2.5 metres and this will allow for off road parking to be provided to the front of the dwelling. Whilst the majority of other properties within the street scene have a consistent building line, the new development is at the end of the cul-de-sac, being the last property and therefore limiting the impact of this difference. Furthermore, as the proposed dwelling is detached as opposed to semi-detached, the difference will allow the development to sit in an appropriate position and allow for parking spaces to be provided to the front.

It is therefore considered that the proposal is acceptable in design terms, and that it is in keeping with the locality in terms of design, materials, scale and massing. In this regard it complies with Core Strategy Policy CS28 Sites and Policies Document Policy SP55, and policies within the NPPF.

#### The impact on local amenity

Sites and Policies Document Policy SP55 Design Principles requires that development is: “Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:

(g) the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing.”

The supporting text to the Policy states: “4.323 Development proposals will be required to demonstrate that they have appropriately taken account of and mitigated against any site constraints which may have a detrimental impact upon amenity, including privacy, direct sunlight or daylight. The design and layout of buildings must enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from unacceptable overshadowing.”

The NPPF notes at paragraph 127 that: “Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience”.

The site is surrounded by existing residential properties and the introduction of a new dwelling in this location will increase the activity within the plot.

The host dwelling at No. 40 is the closest property to the application site and the development will result in a relationship which is very similar to the existing relationship with its attached neighbour at No. 38. Furthermore, whilst the property is set back in relation to the existing dwelling, the proposal lies directly to the north which will limit any impact of overshadowing upon the garden and rear elevation windows of No. 40. There is also a significant separation with No. 40 resulting from the presence of an existing side extension to the property and a path along the side of the proposed dwelling.

The properties to the north on Great Park Road lie at a higher level than the development plot and have substantial rear garden areas. The proposed dwelling is sited close to the boundary with No.25/No.27 Great Park Road and these properties lie directly to the north. It is therefore accepted that there will be some level of overshadowing within the rear garden area of these properties. However, the dwellings are approximately 19 metres in length and therefore, the impact of the proposed development would be limited to the bottommost part of the garden rather than that which lies directly adjacent to the existing dwelling. In addition, the level difference between the site and these garden areas will mitigate some of this impact. It is also worth noting that the roof design of the proposal has been amended to a hipped roof which will further limit the impact. On this basis, it is not considered that there would be an unacceptable impact of overbearing/overshadowing on these neighbouring dwellings themselves.

The windows within the proposed dwelling are predominantly within the front and rear elevation (with the exception of a side w.c and hallway windows in the south facing elevation). The Council’s normal separation distances which are set out in the South Yorkshire Residential Design Guide are achieved and in this regard it is not considered that the proposal would result in an impact on the privacy of neighbouring properties.

#### Highway access & parking

Paragraph 108 of the NPPF states that: “In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that.....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”.

The Council's Parking standards state that: 3 or 4 bedrooms dwellings should have 2 No. parking spaces.

The majority of the objectors have raised concerns regarding the parking situation on Brecklands and whether the proposed dwelling would make this worse. Comments have also been raised regarding the potential conflict between cars accessing the new dwelling and pedestrians using a footpath which links Brecklands and Great Park Road.

A large number of objections refer to an existing parking problem on Brecklands which is as a result of properties having more vehicles than parking spaces within the curtilage. This however is an existing situation which is similar to many cul-de-sacs across the borough. The applicant proposes two off street parking spaces for both the host property and the new dwelling and this level of parking meets the Council's minimum Parking Standards. It is noted that the site is located in a sustainable location close amenities and public transport links. The comments regarding the access to the cul-de-sac from Stag roundabout are noted. However, the introduction of one additional dwelling would not substantially increase the number of vehicular movements to this junction in a way which would be considered to be unacceptable.

The Council's Highway Officer does not consider that the proposal will cause any highway safety concerns in relation to the existing footpath close to the site as the footway is unaffected by the proposal.

As such the scheme accords with paragraph 108 of the NPPF and the Council's Parking Standards.

### Ecology

Sites and Policies Policy SP33 refers to 'Conserving and Enhancing the Natural Environment' and states that: "Development should conserve and enhance existing and create new features of biodiversity and geodiversity value. ... Planning permission will not be granted for development that is likely to, directly or indirectly, result in the loss or deterioration of sites, habitat or features that are considered to be irreplaceable.."

The site is identified as having potential for bat roosting due to the presence of a mine shaft on the site. It is unclear whether the mine shaft has been fully capped and therefore it is recommended that a Preliminary Bat Roost Assessment is undertaken prior to the commencement of development on site. The findings of this assessment will be considered by the Council's Ecologist and recommendations can be made for the mitigation measures to ensure that there is no detrimental impact on this protected species. On this basis, whilst further investigation is required with regards to potential bat roosting, on the basis that mitigation measures can be provided it is not considered that there would be a detrimental impact on the presence of a protected species.

### **Conclusion**

The proposed new dwelling is an acceptable addition which will not harm neighbouring amenity, highway safety or the character of the area. As such it complies with SP 12

Development on Residential Gardens, CS28 Sustainable Design & SP55 Design Principles as well as the guidance contained within the NPPF.

### **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 7 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 number 7 is 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) (1932 001 Rev F) (Received 8 January 2020)

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

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

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

Reason

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

06

The windows on the side elevation of the proposed dwelling facing south 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.

07

No development shall take place until a Preliminary Bat Roost Assessment has been undertaken and submitted to the Local Planning Authority. Should the assessment indicate the presence of bats on site, a full bat survey will be required to be submitted and approved in writing by the Local Planning Authority prior to any development on site. The recommendations and mitigation measures should be undertaken within a timescale agreed in writing by the Local Planning Authority.

Reason

To ensure that there is no detrimental impact on a Protected Species in accordance with the Local Plan.

POSITIVE AND PROACTIVE STATEMENT

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