

## PLANNING REGULATORY BOARD

**Date:- Thursday, 4 June 2020      Venue:- Virtual Meeting**  
**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 27th February, 2020 (herewith) (Pages 2 - 10)
6. Deferments/Site Visits (information attached) (Pages 11 - 12)
7. Development Proposals (herewith) (Pages 13 - 82)
8. Updates
9. Date of next meeting - to be confirmed

### 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**  
**27th February, 2020**

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

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

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

**79. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**80. MINUTES OF THE PREVIOUS MEETING**

**Resolved:-** That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 6<sup>th</sup> February, 2020, be approved as a correct record of the meeting.

**81. DEFERMENTS/SITE VISITS**

There were no site visits or deferments recommended.

**82. DEVELOPMENT PROPOSALS**

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

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

- Outline application for the erection of up to 35 No. dwellinghouses including details of access at land rear of 166 Swinston Hill Road, Dinnington for Messrs. T and J. Wilkinson (RB2019/1943)

Ms. J. Hodson (on behalf of the Applicant)  
Mrs. N. Fieldsend (Objector)  
Mrs. D. Harper (Objector)

- Erection of 237 No. dwellinghouses with associated access road, car parking and landscaping at land at Oldgate Lane, Thrybergh for Engie Regeneration Limited (RB2019/1967)

Mr. R. Levin (Applicant)

- Creation of local centre comprising of 6 No. units (use class A1, A3 and A5), car parking, landscaping and associated works at land off Harding Avenue, Rawmarsh for Mumbles 1 Ltd. (RB2019/1968)

Mr. J. Carr (Objector)  
Mr. D. Campbell (Objector)  
Mr. S. Campbell (Objector)  
Mrs. S. Brenan (Objector)

- Demolition of existing buildings, erection of 14 No. dwellinghouses and a four storey building comprising 31 No. apartments and demolition of funeral directors garage/storage building and erection of single storey four car garage building at Millfold Works, Westgate, Rotherham Town Centre for RMBC (RB2020/0088)

Mr. D. Mason (Applicant)

- An additional letter of representation in support of the applications RB2019/1865 and RB2019/1866 (siting of containers A-F and G-M with brick cladding at J. E. James Cycles, Erskine Road, Eastwood) was read out from Councillor D. Fenwick-Green, Eastwood Ward Member.

(2) That application RB2019/0951 be withdrawn for consideration.

(3) That applications RB2019/1865, RB2019/1866 and RB2019/1968 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(4) That, with regard to application RB2019/1943:-

(a) subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 with the developer for the purposes of securing:-

- Financial contribution of £500 per dwelling towards sustainable travel measures to support the development
- An amended financial contribution of £2,369 towards improvements to bus stop 35841 controlled by South Yorkshire Passenger Transport Executive to support the development.
- Financial contribution of £750 towards the installation of a kissing gate on adjacent footpath (Dinnington Footpath No. 13)
- Financial contribution of £460.69 per dwelling in respect of the installation of equipped play on the adjacent green space (Swinston Hill Recreation Ground) and towards ongoing maintenance costs.
- Establishment of a Management Company to manage and maintain the areas of Greenspace on site.

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

(c) That an amendment be made to the as yet unsigned Section 106 legal agreement relating to the proposed residential development on the adjoining site (RB2019/0837) to include financial contribution of £10,625 towards improvements to bus stop 35841 controlled by South Yorkshire Passenger Transport Executive to support the development.

(5) That, with regard to application RB2019/1967:-

(a) subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 with the developer for the purposes of securing:-

- Green Space Contribution of £57,600.
- Sustainable Travel contribution £500 per dwelling house - 237 x £500 = £118,500.

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report and the minor amendments to the following conditions as agreed at the meeting:-

Condition 2. The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

Site Location Plan 3EN6-MHA-FS-XX-DR-A-01000 S2 Rev P4  
 Existing Site Layout 3EN6-MHA-FS-XX-DR-A-01001 S2 Rev P4  
 Proposed Site Layout 3EN6-MHA-FS-XX-DR-A-01012 S2 Rev P11  
 Proposed Site Layout 3EN6-MHA-FS-XX-DR-A-01010 S2 Rev P26  
 Proposed Site Layout Plan Presentation 3EN6-MHA-FS-XX-DR-A-01011 S2 Rev P11  
 Proposed Boundary Treatment Plan 3EN6-MHA-FS-XX-DR-A-01-013 S2 Rev P9  
 Proposed Site Layout Tenure 3EN6-MHA-FS-XX-DR-A-01014 S2 Rev P5  
 Proposed Site Layout Material Identification 3EN6-MHA-FS-XX-DR-A-01015 S2 Rev P5  
 Proposed Site Allocation Layout 3EN6-MHA-FS-XX-DR-A-01030 S2 Rev P6  
 Proposed Boundary Details 3EN6-MHA-XX-XX-DR-A-05-001 S2 Rev P6  
 Landscape Details 3EN6-MHA-FS-XX-DR-A-05002 S2 Rev P1  
 Sigma Housetype 1 G.A. (Sheet 1 of 2) 3EN6-MHA-00-101 S2 Rev P2  
 Sigma Housetype 1 G.A. (Sheet 2 of 2) 3EN6-MHA-00-102 S2 Rev P2  
 Sigma Housetype 2 G.A. (Sheet 1 of 2) 3EN6-MHA-00-201 S2 Rev P2

Sigma Housetype 2 G.A. (Sheet 2 of 2) 3EN6-MHA-00-202 S2 Rev P2  
 Sigma Housetype 3 G.A. (Sheet 1 of 2) 3EN6-MHA-00-301 S2 Rev P2  
 Sigma Housetype 3 G.A. (Sheet 2 of 2) 3EN6-MHA-00-302 S2 Rev P2  
 Sigma Housetype 4 G.A. (Sheet 1 of 2) 3EN6-MHA-00-401 S2 Rev P2  
 Sigma Housetype 4 G.A. (Sheet 2 of 2) 3EN6-MHA-00-402 S2 Rev P2  
 Sigma Housetype 5 G.A. (Sheet 1 of 2) 3EN6-MHA-00-501 S2 Rev P2  
 Sigma Housetype 5 G.A. (Sheet 2 of 2) 3EN6-MHA-00-502 S2 Rev P2  
 Sanctuary Housetype A G.A. (Sheet 1 of 2) 3EN6-MHA00-A01 S2 Rev P2  
 Sanctuary Housetype A G.A. (Sheet 2 of 2) 3EN6-MHA00-A02 S2 Rev P2  
 Sanctuary Housetype B G.A. (Sheet 1 of 2) 3EN6-MHA00-B01 S2 Rev P2  
 Sanctuary Housetype B G.A. (Sheet 2 of 2) 3EN6-MHA00-B02 S2 Rev P2  
 Sanctuary Housetype C G.A. (Sheet 1 of 2) 3EN6-MHA00-C01 S2 Rev P2  
 Sanctuary Housetype C G.A. (Sheet 2 of 2) 3EN6-MHA00-C02 S2 Rev P2  
 Sanctuary Housetype D G.A. (Sheet 1 of 2) 3EN6-MHA00-D01 S2 Rev P2  
 Sanctuary Housetype D G.A. (Sheet 2 of 2) 3EN6-MHA00-D02 S2 Rev P2  
 Sanctuary Housetype E G.A. (Sheet 1 of 2) 3EN6-MHA00-E01 S2 Rev P2  
 Sanctuary Housetype E G.A. (Sheet 2 of 2) 3EN6-MHA00-E02 S2 Rev P2  
 Great Places Housetype E G.A. (Sheet 1 of 2) 3EN6-MHA00-E01 S2 Rev P2  
 Great Places Housetype E G.A. (Sheet 2 of 2) 3EN6-MHA00-E02 S2 Rev P2  
 Great Places Housetype N G.A. (Sheet 1 of 2) 3EN6-MHA00-N01 S2 Rev P2  
 Great Places Housetype N G.A. (Sheet 2 of 2) 3EN6-MHA00-N02 S2 Rev P2  
 Great Places Housetype O G.A. (Sheet 1 of 2) 3EN6-MHA00-O01 S2 Rev P2  
 Great Places Housetype O G.A. (Sheet 2 of 2) 3EN6-MHA-O02 S2 Rev P2  
 Great Places Housetype P G.A. (Sheet 1 of 2) 3EN6-MHA00-P01 S2 Rev P2  
 Great Places Housetype P G.A. (Sheet 2 of 2) 3EN6-MHA00-P02 S2 Rev P2  
 Great Places Housetype Q G.A. (Sheet 1 of 2) 3EN6-MHA00-Q01 S2 Rev P2  
 Great Places Housetype Q G.A. (Sheet 2 of 2) 3EN6-MHA00-Q02 S2 Rev P2  
 Great Places Housetype Q2 G.A. (Sheet 1 of 2) 3EN6-MHA 00-Q201 S2 Rev P1  
 Great Places Housetype Q2 G.A. (Sheet 2 of 2) 3EN6-MHA00-Q202 S2 Rev P1  
 Great Places Housetype R G.A. (Sheet 1 of 2) 3EN6-MHA00-P01 S2 Rev P1  
 Great Places Housetype R G.A. (Sheet 2 of 2) 3EN6-MHA00-P02 S2 Rev P1  
 Proposed Phasing Plan 3EN6-MHA-FS-XX-FR-A-01016 P3  
 Proposed Street Section 3EN6-MHA-FS-ZZ-DR-A-04011-SO Rev P2  
 Soft Landscaping Proposals – Planting Plan 13338\_LD\_02 Rev D  
 Soft Landscaping Proposals – Planting Plan 13338\_LD\_03 Rev D  
 Soft Landscaping Proposals – Planting Plan 13338\_LD\_04 Rev G

Soft Landscaping Proposals – Planting Plan 13338\_LD\_05 Rev E  
 Soft Landscaping Proposals – Planting Plan 13338\_LD\_06 Rev F  
 Soft Landscaping Proposals – Planting Plan 13338\_LD\_07 Rev E  
 Soft Landscaping Proposals – Planting Plan 13338\_LD\_08 Rev F  
 Soft Landscaping Proposals – Planting Plan 13338\_LD\_09 Rev E  
 Plant Schedule 13338\_LD\_10 Rev H  
 Outline Specification 13338\_LD\_11 Rev A  
 Maintenance Schedule 13338\_LD\_11 Rev A

Condition 7. The proposed development will be carried out in accordance with the Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (dated February 2020, V1.6) unless otherwise agreed in writing by the Local Planning Authority. All tree protection measures detailed in this document shall not be 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.

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 site visits undertaken 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.

Condition 8 – DELETED.

Condition 9 (renumbered to Condition 8) The proposed development will be carried out in accordance with the approved landscaping details unless otherwise agreed in writing by the Local Planning Authority.

Landscape Details 3EN6-MHA-FS-XX-DR-A-05002 S2 Rev P1  
 Soft Landscaping Proposals – Planting Plan 13338\_LD\_02 Rev D  
 Soft Landscaping Proposals – Planting Plan 13338\_LD\_03 Rev D  
 Soft Landscaping Proposals – Planting Plan 13338\_LD\_04 Rev G  
 Soft Landscaping Proposals – Planting Plan 13338\_LD\_05 Rev E  
 Soft Landscaping Proposals – Planting Plan 13338\_LD\_06 Rev F  
 Soft Landscaping Proposals – Planting Plan 13338\_LD\_07 Rev E  
 Soft Landscaping Proposals – Planting Plan 13338\_LD\_08 Rev F

Soft Landscaping Proposals – Planting Plan 13338\_LD\_09 Rev E  
Plant Schedule 13338\_LD\_10 Rev H  
Outline Specification 13338\_LD\_11 Rev A  
Maintenance Schedule 13338\_LD\_11 Rev A

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.

Condition 15 (was Condition 14) The proposed development shall be carried out in accordance with the approved Framework Travel Plan (dated December 2019) unless otherwise agreed in writing with the Local Planning Authority.

Reason - In the interest of highway safety.

Condition 16 (now Condition 15) The construction of the proposed development shall be carried out in accordance with the approved Construction Environmental Management Plan (dated 02.12.2019 Revision 1) unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interest of highway safety.

Condition 18 (now Condition 17) Prior to construction on site an Ecological Lighting Strategy and Biodiversity Enhancement Plan will be produced and submitted to the Local Planning Authority. The developer will implement the recommendations and mitigation measures and these should be undertaken prior to completion of the development and 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.

Condition 19 (now Condition 18) The development shall not begin above slab level until an Affordable Housing schedule for the provision of at least 25% of the dwellings to be affordable housing on the site hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be complied with in full thereafter. The affordable housing shall be provided in accordance with the approved scheme and its Phasing. The Affordable Housing-scheme shall include:-

- (i) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing; and
- (ii) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced; and
- (iii) The details of the standards to which the affordable housing shall be constructed

Reason - In the interests of securing affordable housing, having regard to Policy CS7 'Housing Mix and Affordability, coupled with the requirements of paragraph 174 and the definition in Annex 2 of the National Planning Policy Framework.

(c) That any other minor amendments to the conditions to be agreed with the Chair and Vice-Chair of the Planning Regulatory Board.

(6) That, with regard to application RB2020/0088:-

(a) subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 with the developer for the purposes of securing:-

- Financial contribution of £22,500 towards sustainable travel measures to support the development
- Financial contribution of £17,581 towards improvements to green infrastructure in the town centre area and the adjacent public open space.
- Financial contribution of £35,294 towards Secondary Education provision at Oakwood High
- Financial contribution of £29,306 towards improvements to bus stops 30494 and 30493 controlled by South Yorkshire Passenger Transport Executive to support the development.

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

### **83. PROPOSED TREE PRESERVATION ORDER NO 10, 2019 - STONEHAVEN, THE YEWS, FIRBECK**

Consideration was given to a report of the Assistant Director of Planning, Regeneration and Transport which detailed an enquiry to the Council's Trees and Woodlands Service from the owner of the property Stonehaven asking for several broad leaf trees to be protected under a Tree Preservation Order.

The Council's Trees and Woodlands Service visited the site and found that a number of the trees (12 in total) qualified for a Tree Preservation Order to be placed upon them. Accordingly, the Tree Services Manager recommended that 2 x Cherry; 1 x Ornamental Plum; 1 x Maple; 1 x Silver Birch; 2 x Horse Chestnut; 3 x Sycamore and 2 x Willow standing on either the western boundary of the site or to the south of the property, be covered by a Tree Preservation Order on the grounds that:-

- The trees concerned provide valuable and important amenity to the area.
- The trees are mature in age and outwardly appear in reasonable to good condition with reasonable to good future prospects.
- The trees are considered to be suitable species in relation to their setting and contribute to the leafy character of Haven Hill.
- The trees are likely to provide associated wildlife and environmental benefits.
- Following a request by the land owner it was expedient that these trees are protected as a precaution.

The report detailed the objections to the making of this Tree Preservation Order from a nearby neighbour on the grounds of the impact of trees on satellite/Sky TV signal.

The report detailed the comments by the Tree Service Manager who had considered the objection raised and concluded that the trees in question stood within the boundary of The Yews, Stonehaven, some of which were contained within the Order and others that were not. There were Conifers within the boundary that did not form part of the Tree Preservation Order, nor do they stand within a conservation area and as such no consent from the Council would be required to prune/fell the Conifers. However, consent from the landowner would be required should any pruning works be deemed necessary.

In respect of those trees on the boundary that would fall within the proposed Tree Preservation Order, the Order would not prevent tree pruning works being undertaken. It would, however, prevent any unnecessary pruning works being undertaken that could possibly have a detrimental effect on the trees and the amenity that they provided to the surrounding area.

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

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

(2) That the serving of Tree Preservation Order No. 10 2019 be confirmed without modification with regard to the tree(s) subject of this report, situated at Stonehaven, The Yews, Firbeck under Section 198 and 201 of the Town and Country Planning Act 1990.

**84. UPDATES**

The following update information was provided:-

(a) Probity in Planning

It was noted that a comprehensive training package for Planning Board Members would be arranged as part of Member Induction following the election in May, 2020.

(b) Statistics and Data Comparisons

Further information on applications not built out and comparative data across the borough would be submitted to the Planning Board in due course.

Resolved:- That the information be noted.

**85. DATE OF NEXT MEETING**

Resolved:- That the next meeting of the Planning Board take place on Thursday, 19<sup>th</sup> March, 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 THE 04 JUNE 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.

**INDEX PAGE**

<b>RB2017/0514 Erection of 46 No. dwellinghouses at land off Second Lane Wickersley for Harron Homes</b>	<b>Page 14</b>
<b>RB2020/0011 Erection of 1 No. pair of semi detached dwellinghouses at land adjacent 68 Leedham Road Herringthorpe for Mr P Happs</b>	<b>Page 67</b>
<b>RB2020/0111 Erection of 10 No. apartments with associated parking &amp; amenity space at former sports &amp; social club Rockcliffe Road Rawmarsh for Mr M Hanif</b>	<b>Page 74</b>

**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE 04 JUNE 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>	<b>RB2017/0514</b> <a href="https://rotherham.planportal.co.uk/?id=RB2017/0514">https://rotherham.planportal.co.uk/?id=RB2017/0514</a>
<b>Proposal and Location</b>	Erection of 46 No. dwellinghouses land off Second Lane Wickersley
<b>Recommendation</b>	<p>A That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> <li>• 25% on site affordable housing provision</li> <li>• Commuted sum of £500 per dwelling towards sustainable transport measures</li> <li>• Establishment of a Management Company to manage and maintain the areas of Greenspace, including the proposed Green Gym.</li> <li>• Education contributions £107,142</li> </ul> <p>B Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>

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



## **Site Description & Location**

The application site is a parcel of agricultural land which is located to the north of Second Lane and to the south of First Lane. There are residential properties located to the west with fields beyond to the east. There is also a bungalow located to the east within the field.

There are hedgerows along the boundaries of the site and there are two large Oak Trees one on the northern boundary one on the southern boundary, both protected by TPO No. 2, 2017. Wickersley Woods lies to the north east of the site and is also covered by a TPO, No. 3 1975. It is also identified as a Local Wildlife Site.

The site rises from south to north and is approximately 2.32 hectares in area.

There are currently some stables on the application site.

## **Background**

### Relevant Planning History

RB1974/0611 Outline residential development – refused 11/09/74

RB1976/2660 Outline residential development – refused 22/12/76

RB1979/1040 Outline residential development – refused 18/07/79

RB1982/0982 Outline for 28 detached dwellings – refused 21/10/82

RB1983/1002 Outline residential development – withdrawn

RB1987/0346 Erection of 4 stables and winter feed store – granted 01/06/87

RB1997/1323 rebuild stables in blockwork – granted 11/12/97

### Community Infrastructure Levy

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

### Environmental Impact Assessment

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

Whilst it is acknowledged that planning permission has been granted for a further development across Second Lane in close proximity to this application site (under reference RB2017/0215) the two planning applications are/were different projects which were submitted separately, under separate application numbers, each

comprising separate red edge boundaries with separate points of access and different owners, and have been considered separately. For this reason the consideration of the development against the EIA Regulations has been applied on an individual basis.

## **Proposal**

The applicant seeks full planning permission for the erection of 46 dwellings and associated works on this allocated housing site (H61). The original proposal was for 48 dwellings however this has now been amended to 46. Vehicle access is proposed off Second Lane, there is pedestrian access only onto First Lane.

The internal layout of the development has also been amended on numerous occasions, both by the developer and at the request of the Local Planning Authority.

Dwellings proposed included 5 No 2 bed dwellings, 7 No 3 bed dwellings and 24 No 4 bed dwellings and 10 No 5 bed dwellings. All dwellings are to be 2 storey. The proposal includes the provision of 25% on site affordable housing units, which equates to 12 dwellings. The majority of the dwellings are proposed to be detached with the affordable units being semi-detached and terrace properties.

There is a 'Green Gym' fitness area proposed in the north eastern corner of the site. There is an electricity substation proposed on the frontage of the site on Second Lane.

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

### Design and Access Statement

This concludes that the proposal will offer a range of high quality homes to suit a wide range of purchasers, which will complement the current housing stock and respect the character of the area. Development will be robust, legible and accessible and will contribute positively to the settlement, delivering a safe and attractive environment rooted firmly in its place from the outset. It will create a desirable place that will stand the test of time and that people will be proud of and want to inhabit for many years to come.

### Transport Assessment

A Transport Assessment was submitted in support of the application originally. An addendum TA was also submitted at the request of the Local Planning Authority to review the A631 Bawtry Road/Morthen Road roundabout junction. The TA looks at the transportation issues relating to the application site and concludes that the scheme accords with local and national policy to site development adjacent to good transport linkages and other attractions so as to minimise trips and share trip movements.

It states that traffic flows have been assessed for up to date levels and had no capacity issues based on a robust view of the flows and no capacity issues are expected to arise with the junction itself. As such the scheme would have little or no impact on the local network.

### Housing Mix Justification Statement

The scheme proposes a mix reflective of both need and demand, with 25% of dwellings of 3 bedrooms or less, and 75% larger 4+ bedrooms. As a regional housebuilder, with knowledge of the Rotherham housing market, Harron Homes have proposed a mix reflective of the local demands of Wickersley, which is at the higher end of the Rotherham market. The proposed 2, 3 and 4 bed dwellings offer a housing product aimed at attracting and retaining young family households aspiring to live in Wickersley. This is compliant with that part of the adopted CS that recognises Wickersley as an attractive area that can assist in attracting those families seeking to re-locate to Rotherham.

### Flood Risk Assessment

The Environment Agency's Flood Map for Planning and Rotherham Metropolitan Borough Council Strategic Flood Risk Assessment flood map show the site to lie within Zone 1 (low flood risk). The site is not at significant risk of potential flooding from any source and, in accordance with current Planning Practice Guidance "Flood Risk and Coastal Change", sequential testing is not required.

It should be noted that there is potential for a culvert blockage upstream, which has been considered within the drainage strategy. Surface water disposal is considered in accordance with the drainage hierarchy in Building Regulations Part H 2002 and Planning Practice Guidance "Reducing the causes and impacts of flooding", paragraph 080.

Infiltration type SuDS such as soakaways are inappropriate due to the impermeable nature of the ground. This has been confirmed by percolation testing. Instead, surface disposal is proposed to the Kingsforth Brook, 450 metres east via a new sewer below Second Lane.

The discharge rate will be attenuated to a maximum of 5 l/s (approximately 2 l/s/ha) to mimic the existing greenfield rates. Attenuation storage will be sized for the 1 in 100 year plus climate change event and will be accommodated within oversized pipes/culverts below the highways within the site.

Foul effluent will discharge via gravity to the public combined sewer within Second Lane.

### Tree Survey

This stated that trees surveyed were generally found to be in a fair condition, and that two trees are protected by Tree Preservation Order. It concludes that one group needs to be removed located to the front of the site on Second lane, and one tree and one group need to be cut back in order to facilitate the development in the north western corner of the site. The original tree survey was updated and a further survey was carried out in 2020.

### Air Quality Assessment

This states that potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of earthworks, construction and trackout activities. It is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level.

Potential impacts during the operational phase of the proposals may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. Dispersion modelling was therefore undertaken in order to predict pollutant concentrations at sensitive locations as a result of emissions from the local highway network both with and without the development in place. Results were subsequently verified using local monitoring data.

Review of the dispersion modelling results indicated that predicted air quality impacts as a result of traffic generated by the development were not significant at any sensitive location in the vicinity of the site. Based on the assessment results, air quality factors are not considered a constraint to the development.

#### Ecology Survey

This states that the site supports a small range of habitats of generally low ecological value. While a ridge a furrow pattern remains over part of the site, the species poor sward suggests agricultural improvement has been successful, thus reducing the ecological value of the grassland. Recommendations are made in regards to the enhancement of the site for wildlife and in avoiding impacts on the adjacent LWS. It recommends using locally sourced native species in landscaped areas; the provision of bat and bird boxes and the provision of deadwood and rubble piles and provision for hedgehogs to move via holes in fencing. This survey was updated in 2020 and this demonstrated minimal change in habitats present or the potential impacts on any protected species. The findings of previous reports remain valid.

#### Badger Survey

This found no evidence of current use of the site by badgers, and concluded that the development can proceed with little risk of affecting badgers. A further survey was carried out in 2020 which found no evidence of new occupation of the site or adjacent woodland by badgers and likely continued absence of setts on site is concluded.

#### Bat Survey

This found the site to be of low value to bats, with most activity attributed to common pipistrelle along the northern hedgerow. It concluded that re-development of the Site is considered unlikely to result in significant impacts on local bat population, however, to maintain the value of the site to bats proposals should look to retain all boundary hedgerows. Due to the age of the original bat survey a further survey was undertaken in April 2020 which concludes that, based on the information collected and the sensitive design of the masterplan, the proposed development is unlikely to impact significantly on the local bat populations.

#### Gas Risk Assessment

Based on the site characterisation no special protection measures against hazardous gas are required in new dwellings.

#### Geoenvironmental Appraisal

This states that ground conditions typically comprise medium sands and gravels (granular residual soils) over Wickersley Rock Sandstone bedrock at an average depth of 2.2m.

This site is underlain by Wickersley Rock Sandstone bedrock, and the shallowest coal seam (Brecks Coal) is likely to lie at sufficient depth so as not to pose a risk to the surface, especially given its very limited thickness (max. 0.35m). Whilst the site lies within a Coal Authority Low Risk area, no significant risks have been identified, and an intrusive mining investigation will not be required. There are no known or suspected areas of landfilling within 250m, and the site is not in an area considered susceptible to mines gas, nor is it underlain by shallow mine workings.

#### Historic Environment Assessment

This states that the proposed development site contains no recorded heritage assets, although there is archaeological evidence for prehistoric and Roman period activity within the surrounding study area, in the form of a number of chance finds and extensive areas of probable enclosures, trackways and field systems that have been recorded through previous aerial photographic analysis. It is likely that the majority of the proposed development site has remained in agricultural use since at least the medieval period, but that the lack of modern disturbance across the site may have provided conditions in which earlier (prehistoric or Roman) buried archaeological remains could potentially survive.

The proposed development will have no impact on the setting of any nationally designated, or recorded, heritage assets with the 1km study area or beyond, or the Wickersley Conservation Area.

#### Sustainability Statement

This outlines opportunities to reduce the environmental footprint of the development by incorporating sustainable design and construction techniques.

#### Mineral Safeguarding Assessment

This concludes that prior extraction of coal is not considered practical at this site. It is worth noting that the UK market for coal is changing (driven by government carbon emission targets) – most notably very few power stations are still burning coal. Consequently, prior extraction of coal has become less attractive in recent times. The demand for the coal mineral resource is very low and the relatively small area being sterilized is unlikely to have a significant impact on the wider demand for mineral resources. Based on the information above, the need for the mineral resource beneath this specific site does not outweigh need for development.

#### Statement of Community Involvement

A Statement of Community Involvement was produced in support of the application. This showed that an extensive letter drop was undertaken to around 200 properties within the locality of the site, including working draft of layouts for comment. In addition, both the Parish Council and Ward Councillors were notified of the proposed development and detailed design proposals, with the scheme being presented to Parish Councillors at the 16 January 2017 Parish Meeting.

A total of 19 responses were received during the consultation period. The comments received were reviewed by the applicant. Of the comments raised, concerns largely related to vehicle movements and traffic impacts, the development of a Green belt site, the potential for overlooking/loss of privacy, loss of amenity space and pressure on existing infrastructure.

It states that the applicants are committed to delivering a high quality residential scheme that will deliver much needed new homes and provide a range of social benefits.

### **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 was allocated for Green Belt purposes in the former Unitary Development Plan (UDP), however, since the submission of the application in 2017 the adopted Sites and Policies Document removed the site from the Green Belt and allocates it for Residential Use (allocated site H61). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

- CS1 Delivering Rotherham's Spatial Strategy
- CS3 Location of New Development
- CS6 Meeting the Housing Requirement
- CS7 Housing mix and affordability
- CS14 Accessible Places and Managing Demand for Travel
- CS19 Green Infrastructure
- CS20 Biodiversity and Geodiversity
- CS21 Landscape
- CS22 Green Space
- CS23 Valuing the Historic Environment
- CS24 Conserving and Enhancing the Water Environment
- CS25 Dealing with Flood Risk
- CS27 Community Health and Safety
- CS28 Sustainable Design
- CS32 Infrastructure Delivery and Developer Contributions
- CS33 Presumption in favour of sustainable development

The Sites and Policies Document – June 2018:

- SP1 Sites Allocated for Development
- SP11 Development in Residential Areas
- SP26 Sustainable Transport for Development
- SP32 Green Infrastructure and Landscape
- SP33 Conserving and Enhancing the Natural Environment
- SP34 Sites Protected for Nature Conservation
- SP35 Protected and Priority Species
- SP36 Soil Resources

SP37 New and Improvements to Existing Green Space  
SP39 Design and Location of Green Space, Sport and Recreation  
SP42 Archaeology and Scheduled Ancient Monuments  
SP43 Conserving and Recording the Historic Environment  
SP47 Understanding and Managing Flood Risk drainage  
SP49 Safeguarding Mineral Infrastructure  
SP52 Pollution Control  
SP54 Contaminated and Unstable Land  
SP55 Design Principles  
SP56 Car Parking Layout  
SP57 Sustainable Construction  
SP64 Access to Community Facilities

### **Other Material Considerations**

The specific Site Development Guidelines for this allocated site (H61).

South Yorkshire Residential Design Guide

Manual for Streets

Council's Car Parking Standards

The Draft Wickersley Neighbourhood Plan

National Planning Practice Guidance (NPPG) (as revised)

National Planning Policy Framework: The revised NPPF came into effect on February 19th (replacing the original 2012 version). It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

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

### **Publicity**

The original application was advertised in the press, on site and by individual neighbour letters in 2017; and letters of objection were received from the occupiers of 73 properties along with an objection from Wickersely Parish Council and a petition with 41 signatures.

The objections are summarised below –

Highways/Transportation/Infrastructure

- Lead to further strain on infrastructure – GP surgery, dentist, schools, parking
- Wickersley has been chosen by the developer to maximise profits

- Increase traffic
- Junctions not appropriate for increased traffic
- Traffic studies carried out in school holidays and are incorrect
- Minimal public transport serving the area
- Pedestrian danger, as road is also a footpath
- Already congested in Wickersley
- Farming Traffic use Second Lane
- Second Lane already used by traffic to Winthrop which is dangerous and has inadequate car parking
- Lead to congestion and increased pollution
- Increased traffic accidents
- Worsen the poor condition of the roads
- The road is narrow with cars already parked
- Access for Emergency Vehicles would be restricted
- HS2 traffic is also nearby
- Impact of construction traffic on local roads
- Second Lane is a footpath and would create a danger to pedestrians, cyclists, dog walkers and horse riders.

#### Design/Layout and impact on existing residents

- Out of scale for the community
- Not in keeping with the design of the locality
- Development looks like slum housing
- The social housing should be integrated in the centre of the development
- High density development compared to the existing houses and 3 storey
- The scheme does not include enough open space
- Many adjacent properties are bungalows
- Effect outlook from existing houses
- Noise and light Pollution
- Overlooking to houses on Newhall Avenue
- Provide an obtrusive overpowering barrier which will harm visual amenity
- No bungalows

#### Ecology/Trees

- Impact on wildlife – bats, owls, birds, rabbits
- Great Crested Newts may be present on site
- Loss of trees and hedgerows
- Loss of countryside used by walkers for a healthy lifestyle and mental welfare
- Wickersley Woods would be engulfed by housing and its use would be increased
- A 15m buffer should be provided to the woods

### Drainage/Flooding

- Drainage/Sewage pipes cannot cope
- The site floods
- Foul drainage is not acceptable

### Other matters

- Other sites are more appropriate, some brownfield, which should be developed first
- Reduction in house prices
- A buffer should be provided between the existing and proposed houses
- Loss of views of horses and the associated therapeutic benefits
- The site is Green Belt, and so the development is contrary to policies
- The development has been planned behind residents backs
- No respect for existing residents
- Empty Units in the town centre should be used to meet housing requirements
- Other nearby developments refused for being too large therefore inconsistent
- Not all information put on the portal in a timely manner, and not following procedures and not responding to objections
- No local jobs
- The development is against The Human Rights Act
- The development will cause nuisance and annoyance
- No response to previous fires and how the land has been managed/used
- Issues regarding the sites being put forward for development through the Local Plan process
- Nothing to gain for local community

Wickersely Parish Councils comments are summarised below –

- Land is allocated as Green Belt, the application should not be determined until the Local Plan has been adopted.
- The access arrangements should be considered in conjunction with the development across Second Lane
- Impact on Masons roundabout
- Overcapacity of schools and medical practices
- The site is part of peoples' lives and adds to wellbeing
- The site floods
- Prominent location of Affordable Housing fronting Second Lane not appropriate, it should be in the heart of the development.
- There should be a strong landscape buffer to the east adjoining the Green Belt
- More planting should be provided
- Mature trees should be retained and not removed
- A footpath should be provided along the northern side of Second Lane

A petition had been received which included the same letter signed by 40 people. All 40 letters request the Right to Speak at the Planning Board meeting.

Comments raised are summarised below –

- Green Belt should only be developed in exceptional circumstances, the proposals are in contradiction of Green Belt policy
- The proposal would overwhelm the community
- Out of character with the area
- Danger to pedestrians
- Doctors is over capacity
- Suffering distress
- Having quality of life reduced
- Impact on wildlife, hedgerows and woodlands
- Inappropriate behaviour during planning process

#### Maladministration

The WRONG Campaign have submitted comments to the original application and to the amended scheme, these are summarised below in this section.

Following the submission of amended plans the application was re-advertised in 2020 via press notice, site notices and letters to neighbours and original objectors. Objectors to the original application were advised that their original comments still remained on the file and would be taken into consideration.

Objection letters have been received from the occupiers of 7 properties and the additional comments are summarised below –

- Flood Risk Report out of date
- TPO trees not protected sufficiently
- Unsafe access numerous pedestrians have been seriously injured
- Poor quality development – do not meet building regulations
- Inconsistent public engagement
- Developer cannot access onto First Lane as it is a privately owned lane. The owners accept the Right of Way but do not accept any access via their land to the proposed site.
- Site should be considered as EIA development with the site across Second Lane
- The swale will encourage flooding on and off site
- No pedestrian access to site
- The development is not sustainable development as laid out in the NPPF

Wickersley Parish Council made the following additional comments:

- Housing Mix – the market housing being 4 & 5 bedroom dwellings does not reflect the housing need outlined in the Wickersley Neighbourhood

Plan, currently under preparation. This outlines that 40% of new houses should be 1 & 2 bedroomed. This is backed up by Local Plan Policies.

- Green Belt Boundaries and Landscaping – the eastern boundary should be softened by a larger stand off distance and additional planting. Additional planting should be provided within the development.
- Affordable Housing – The design and parking areas should be improved in line with market housing.
- Trees – they should be protected on site so as not to come under pressure by residents to remove them.
- Pressure on Infrastructure – a strain will be felt on education and health facilities. Concern about Morthen Road/Masons Roundabout is already at capacity with long queues at peak times. Pedestrian safety is also an issue at this junction.

The 'WRONG' Campaign (Wickersley, Rotherham's Own Natural Greenbelt) submitted a letters of objection to the original and amended schemes, and have also instructed an Environmental Lawyer and Ecological and Drainage Consultants who have submitted comments on their behalf. The comments are all summarised below-

- Scale of development
- Impact on infrastructure
- Destruction of openness
- Reducing quality of life
- Green Belt Objection – this should be reconsidered
- Green Spaces should be provided and managed
- Master planning is required
- Second Lane junction with Morthen road is substandard
- Lack of emergency vehicle access
- Lack of pedestrian access on Second Lane
- Unacceptable access for horses and cycles
- Winthorpe promotes parking on Morthen Road
- No crossing point at Morthen Road/Bawtry Road roundabout
- What has RMBC done to address access to local facilities.
- Lack of school places, parking, dentist, doctors etc.
- Flooding issues
- Sewerage issues
- Overlooking
- Loss of privacy
- No relationship with the scale, spacing, character of existing area
- Lack of bungalows
- Minimum spacing standards
- Decrease in quality of life for existing residents
- Increase in noise disruption
- Hedgerows should be protected
- Loss of wildlife
- Contrary to National and Local Policies
- No benefits for the community
- Inappropriate behaviour through the planning process

- Maladministration – documents are not uploaded onto the website in a timely manner
- Planning application details published/consultation time in holiday times
- Objections not responded to
- Not following correct process
- Distress caused to existing residents
- A proposed HS2 construction depot will increase traffic, and should be taken into consideration when assessing the application.
- The site does not have sufficient open Green Space
- The combination of both sites either side of Second Lane should be considered
- An EIA Screening Opinion should have been carried out due to two application sites close to each other.
- The application should not be taken to Planning Board until independent consultant reports are provided by the objectors
- The proposal would adversely harm Wickersley Woods, which is an ancient woodland. No mitigation or compensation is proposed and there should be a 15 m buffer.
- FRA is outdated and doesn't take account of climate change impacts
- There is no record of the Environment Agency being consulted
- There is no record of Natural England being consulted
- Mistakes and omissions in the submitted information relating to drainage and flood risk, and lack of supporting data which means that the FRA does not meet acceptable industry practice and that the flood risk to the upstream and downstream off-site environment and to the on-site development has not been adequately assessed or mitigated. Flood risk will increase due to the development in its current form. The FRA cannot be relied on to discharge the Council's duty to ensure the development will not lead to increased flood risk as required by the NPPF
- Proposal promotes the use of the woods
- Insufficient green open space
- No consideration of cumulative impacts on the woods
- Scheme is contrary to policy

Due to the length of time that has elapsed since the original publicity took place, contact has been made with all those who had originally asked to speak at the Meeting have been contacted to see if they still wish to do so. Confirmation has been received from 9 of the original requestors, including representatives from the WRONG campaign group, Wickersley Parish Council, and the applicant.

### **Consultations**

RMBC - Transportation Infrastructure Service: No objections to the application subject to relevant conditions and contributions as part of the S106 agreement

RMBC - Leisure and Green Spaces Manager: The information is satisfactory in terms of details relating to green space and equipment provision.

RMBC - Tree Service Manager/Consultant: No objections

RMBC - Landscape Design: No objections

RMBC – Drainage: No objections subject to recommended conditions

RMBC - Affordable Housing Officer: No objections

RMBC – Ecologist: No objections subject to conditions

RMBC - Environmental Health: (Noise) No objection subject to recommended conditions.

RMBC - Environmental Health (Air Quality): No objection subject to electric vehicle charging points being provided for each dwelling

RMBC – Environmental Health (Land Contamination): No objections

RMBC – Education: An Education contribution would be requested for this development for Secondary Education. Wickersley School and Sports College is oversubscribed in all year groups. As per the Education S106 policy a contribution of £107,142 is requested.

RMBC Public Rights of Way – No objections

South Yorkshire Archaeological Service: No objections subject to relevant conditions.

Severn Trent Water: Raises no objections and states that foul water is proposed to connect into the public sewer, which will be subject to a formal section 106 sewer connection approval.

Rotherham NHS – Based on their estates strategy, services in this area are already pressured. However, due to new approaches to working and population movement patients can be accommodated.

Environment Agency – 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 issues to take into consideration in the determination of the application are –

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

#### The principle of the development

The application was allocated as Green Belt within the former UDP, however the Local Plan Sites and Policies Document which was adopted on 27<sup>th</sup> June 2018 removed the site from the Green Belt and re-allocates it for Residential use. It forms Housing Site H61 (total area of 2.32 hectares) and the Sites and Policies Document indicates that the total site has a capacity of approximately 56 dwellings.

Policy CS1 ‘Delivering Rotherham’s Spatial Strategy’ states, in part, that: *“Most new development will take place within Rotherham’s urban area and at Principal Settlements for Growth”.* Bramley, Wickersley and Ravenfield Common are identified as one of the Principal settlements for growth which is to provide 800 dwellings as part of the Local Plan.

Policy CS3 ‘Location of New Development’ states, in part, that: *“In allocating a site for development the Council will have regard to relevant sustainability criteria, including its (amongst other things): proximity as prospective housing*

*land to services, facilities and employment opportunities, access to public transport routes and the frequency of services, quality of design and its respect for heritage assets and the open countryside.”*

Policy SP1 ‘Sites Allocated for Development’ identifies sites that are allocated for development and contribute to meeting requirements set out in the Core Strategy. SP1 allocates the site as H61 for a total of 56 dwellings.

With the above policies in mind the site has now been allocated for Residential use as part of the adopted Local Plan and as such the principle of residential development is acceptable. Whilst the number of dwellings on the site (46) is slightly less than the 56 set out in the Sites and Policies Document, it is considered that the density of the proposed development is appropriate for this site. The sites identified for development within the Plan are intended to promote sustainable development and assist in delivering priorities and objectives of the NPPF and the adopted Core Strategy.

Through the Local Plan process the site was identified as a result of extensive consultation and a site appraisals process, including a Sustainability Appraisal, and assessed in terms of a range of social, economic and environmental factors. The Sites and Policies Document identifies that the site is sustainable in principle for residential use.

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

In relation to this site, Wickersley Social Club, Wickersley Bowling Club and a hair salon are located within the 800m distance specified within the policy. However, slightly further than this distance is Wickersley centre which is within a 15 minute walk and contains a range of shops, pubs, restaurants, takeaways, library, bank, pharmacy and other amenities. The text to policy SP64 recognises that flexibility will be required in certain circumstances and it is also noted that the Sites and Policies Document did not specifically require any provision of Community Facilities on the site. It is therefore considered that the application site has good access to a wide range of shops and services mainly within Wickersley Centre.

In conclusion it is considered that the proposed residential development is acceptable in principle on this allocated site. The development is therefore considered to accord with Local Plan Policies CS1, CS3, SP1, SP11 and SP64, and the provisions of the NPPF.

### Design, layout and scale

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

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

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

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

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

The South Yorkshire Residential Design Guide aims to provide a robust urban and highway design guidance. It promotes high quality design and development which is sensitive to the context in which it is located.

The existing properties within the locality vary considerably in architectural design, size, layout and building materials which means that there is not one predominant character.

The layout, design, appearance and materials of the properties have been amended through the application process as a result of discussions with the Council to improve the overall appearance of the development. The original materials proposed were a mixture of red and buff bricks. The amended scheme proposes a majority of red brick properties, with some artificial stone properties,

with 8 properties containing render on key plots. Additionally, car parking areas at the front of properties have been amended to include some areas of planting to soften the street scene within the development site. Boundary treatments have also been carefully assessed to ensure that a high quality environment is created, and the layout of the development amended to ensure a high quality street scene for both First and Second Lane.

All proposed properties are 2 storeys in height, and in this respect the scale of the dwellings is considered to be appropriate and similar to the scale of some of the differing house types surrounding the site which include a majority of detached properties. It is noted that there are some single storey dwellings adjoining the site on Morthen Road, however First Lane, Morthen Road and Newhall Avenue also consist of many two storey properties. In relation to density, it is noted that some of the detached properties along Morthen Road are built at a lower density, however it is also noted that properties on Newhall Avenue have a higher density. Furthermore, the site allocation in the Sites and Policies Document indicates that the site is suitable for approximately 56 dwellings, which is 10 more than proposed within this scheme.

The proposal includes the provision of a sub station in the south western corner of the site fronting Second Lane, adjacent to the existing substation already in situ outside of the application site. There is a tree in front of the substation and the landscaping proposes a hedgerow to provide further screening, in this respect the sub station is considered appropriate.

As a result it is considered that the amended scheme will provide a pleasant suburban layout suitable for this edge of settlement location. The mix of dwelling types is varied with 2, 3, 4 and 5 bedroomed properties, all are 2 storey with no bungalows proposed. The majority of the dwellings are detached with affordable units being provided in the form of small terraces and semi detached properties, as such the overall scheme is considered to provide a good mixed community. Whilst the affordable units are proposed to the north west of the site, there are non-affordable properties located opposite and adjacent to them in the layout, which is considered appropriate for a site of this size. It is noted that there are no policies which would require the provision of bungalows on this site.

The scheme also includes areas of Public Open Space and the provision of a 'Green Gym' play area to the north east of the site. There is also a comprehensive landscape scheme to be implemented as well as the retention and filling in of the majority of the hedgerows.

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

### Provision of open space on the site

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

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

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

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

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

The development is for 46 dwellings and as such the requirement is for approximately 2,530sqm of open space provision on the site. Taking into consideration the areas of open space on the site, the scheme exceeds the required amount as the provision is approximately 3,700sqm, and is therefore in line with the policy.

In addition to the open space areas the scheme also includes the provision of a 'Green Gym' play area in the north eastern corner of the site. The 'Green Gym' is proposed to contain 5 pieces of equipment including a Hand Bike, Cross Trainer, Bench, Recumbant Bike and Plyometric Boxes, which are to be located 10m apart within the green area in the north eastern corner.

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

It should be noted that all the areas of public open space, including the Green Gym, the drainage swale, and the greenspaces fronting First and Second Lane, are proposed to be maintained by a management company which would be secured by a Section 106 legal agreement.

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

#### Highways issues

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

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

Policy SP26 'Sustainable Transport for development' states, in part, that *"Development proposals will be supported where it can be demonstrated that: a. as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;*

*b. local traffic circulation, existing parking and servicing arrangements are not adversely affected;*

*c. the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;*

*d. schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access.”*

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

*a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

*b) safe and suitable access to the site can be achieved for all users; and*

*c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

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

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

The site development guidelines for H61 as set out in the Sites and Policies Document state that: *“Minor improvements to the width / alignment of Newhall Avenue / Second Lane fronting the site shall be required within the site boundary / highway. A footway is desirable on the northern side of Newhall Lane connecting with Morthen Road. A pedestrian / cycle link to First Lane to the north should be provided. The above considerations should be addressed in more detail in a Transport Statement to accompany any planning application.”*

The original application was submitted with a Transport Assessment, however additional information was requested from the developers to take account of the cumulative impact of this development and that granted planning permission in close proximity across Second Lane, reference RB2017/0215 (for 108 dwellings granted on 22/10/2018).

The Council’s Transportation Unit consider that the amended scheme now complies with both the guidance and principles of The South Yorkshire Residential Design Guide and Manual for Streets, and that the proposed car parking facilities comply with the Council’s minimum residential standards.

The submitted Transport Assessment and updated reports look into both the traffic impact that the development will have on the surrounding highways and the sustainability of the site in terms of its location and access to facilities.

**Traffic Impact** – It is considered that the anticipated trip generation used to assess the development is reasonable for a development of this type. The scheme of implemented will result in 26 two way journeys in the AM peak and 28 two way journeys in the PM peak. The survey of peak hour traffic was carried out on Tuesday 13th September 2016 which is outside of school holiday season and is appropriate for such a survey.

**Morthen Road Junction analysis** – For robustness all of the predicted traffic has been assigned to turn right from the site onto Morthen Road across the southbound flow. These factors have been applied using standard industry programmes and has demonstrated that the junction will operate well within its design capacity.

**A631 (Masons Roundabout) Junction analysis**- Using standard industry programmes the Transport Assessment has analysed the effect the development will have on this roundabout. The analysis demonstrated that the roundabout is already above capacity and that the additional traffic will add to this. However, it is considered that the additional traffic would not have an unacceptable impact on highway safety and that the residual cumulative impact on the road network would not be severe.

**Car and Cycle Parking** - The proposed car parking provision complies with the Council's minimum standards. Secure cycle parking should be provided for each house.

**Pedestrian Accessibility** – Pedestrian links in the area are generally good and comprise a combination of footways alongside the carriageway and public rights of way. The site is considered to be within reach of various local facilities including schools, shops and medical services. There is a footway on the southern side of Second Lane and Newhall Avenue providing a pedestrian link to Morthen Road. The developer has agreed separately to provide a financial contribution of £20,000 to the Council by way of a Unilateral Undertaking so that a footway along the northern side of Second Lane and Newhall Avenue can also be provided, thereby improving pedestrian accessibility further, though this is not a specific requirement of the current planning application. It is noted that the occupiers of 34 Newhall Avenue have extended their curtilage onto an area of highway land and this unauthorised encroachment is being pursued separately by the Council.

**Public Transport** - The Transport Assessment's claim that the site is accessible by public transport is accepted. On average there is a bus every 20 minutes in each direction along Morthen Road, these serve Thurgroft, Rotherham and Worksop.

**Cycling Accessibility** - The site is well located to provide cycle access to local leisure, shopping and recreational facilities as well as access to employment opportunities. The site is considered to be well located for access to and from a wide variety of destinations within 5km. The proposal provides for a cycle link from the site onto First Lane as required by the Site Development Guidelines in the Local Plan.

Road Safety - There are relatively few recorded accidents within the vicinity of the site and as such no significant road safety problem. Crossing the northern end of Morthen Road is difficult at busy times and would be much improved by the provision of a formal crossing, preferably light controlled, to avoid a constant stream of pedestrians delaying vehicular traffic at busy times. In this respect, and as noted above, the developers should be requested to provide £500 per dwelling as a contribution to sustainable travel measures which could be used towards the cost of the implementation of pedestrian measures in this location.

Travel Planning – Whilst the size of the proposed development would not normally warrant the submission of a Travel Plan it is considered that a sustainable travel pack to promote walking / cycling / public transport services and highlight the local facilities Doctors / Dentists / shops etc and should be secured by condition.

Sustainable Travel Choices – It is noted that the applicant is to pay a £500 per dwelling contribution to promote sustainable travel choices in accordance with the Council's Sites and Policies document, This may include measures such as the provision / upgrade of pedestrian crossings / provision of bicycles, school walking buses, doctor bike etc. The contribution should be secured through the Section 106 legal agreement and should be provided prior to occupation of the first dwelling.

With the above in mind the proposed site is considered suitable for the number of traffic movements proposed by the development. The proposed visibility is acceptable and the provision of on-site parking spaces accords with the Council's minimum requirements. The traffic impacts of the site, also taken cumulatively with the proposed site across Second Lane, are considered to be acceptable.

Furthermore, the site is considered to be in a relatively sustainable location close to local bus stops on Morthen Road and within walking distance of a number of amenities and shops in Wickersley Centre, and schools. The proposal therefore satisfies the provisions of the above Local Plan Policies and the NPPF.

In regards to objections about the increased traffic due to HS2 it should be noted that the application site is not within the HS2 Safeguarding buffer zone. The HS2 timeline states that construction works on Phase 2b are likely to commence in early 2024, and that the plans are currently in draft form only. It is also noted that any construction traffic associated with this will be temporary in nature, so any effects would be transient. With the above in mind it is not considered that the submitted Transport Assessment requires amendments in this regard.

Objections have also been received stating that First Lane is privately owned, and that right of access needs to be granted, and that no access will be allowed from the site. However in this regard it is noted that First Lane is adopted highway and the two path links shown on the plan will link directly onto adopted highway.

Finally, objectors have noted concerns in respect of the impact of construction traffic on local roads, and this would be addressed as part of a Construction Management Plan required by condition.

#### Drainage and flood risk issues

Policy CS24' Conserving and Enhancing the Water Environment' states:

*"Proposals will be supported which:*

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

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

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

*"The Council will expect proposals to:*

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

*properties to minimise the risk of internal flooding to properties.”*

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

The applicant’s submission confirms that the site is within Flood Zone 1 as shown on the Environment Agency maps, meaning that it is very unlikely to flood and that the sequential test is satisfied.

There have been significant discussions between the Council’s Drainage Engineer and the applicants to ensure that a suitable drainage scheme could be provided for the site. There is a risk of surface water flooding due to overland flows emanating from the watercourse to the north. Therefore the scheme has been amended to provide a formal flood route along the eastern boundary of the site. This will allow surface water flooding to pass through the site without affecting any dwellings.

The Drainage Engineer has now confirmed that the amended and additional information is sufficient to demonstrate the feasibility of the proposed drainage scheme and that the on-site flood risk from exceedance flows can be satisfactorily mitigated. It is recommended that conditions be attached to any approval to require the submission of a detailed drainage scheme.

An independent review of the drainage documents submitted as part of the application has been submitted as an objection to the application and the Council’s Drainage Engineer has responded to points raised as follows –

#### Concerns on identified Flood Risk

i) *‘The pluvial (storm rainfall surface water run-off) flood risk map included within the FRA report clearly identifies a high risk pluvial flood area. This has either been ignored or misidentified by the Applicant;’*

- The small area identified as high risk is due to the very localised topography. The proposed alterations to site ground levels will eliminate this risk, and proposed ground levels and finished floor levels have been designed to prevent any flooding due to exceedance flows.

ii) *There is no reference to pluvial flood risk at all in the Design & Access Statement, there is only mention of no risk from fluvial (river flooding) – a significant pluvial flood route exists along the eastern part of the site;*

- Pluvial flood risk is addressed elsewhere so it is not necessary to specifically address this in the Design & Access Statement.

iii) *The Applicant appears to only consider there is a flood risk from the overland flow route north of the site if the existing culvert becomes blocked – this is inconsistent with the EA pluvial flood risk map which shows a predicted flood flow*

*route across the site, which suggests there is inadequate conveyance on the culvert receiving the Kingsforth Brook north of the site;*

- EA flood mapping is done on a national level, and whilst it generally provides a good indicative indication of flood routes, it does not generally take into account localised features such as culverts. The extensive investigations across the site have found no trace of any culvert crossing the north east corner of the site. Kingsforth Brook appears to sink naturally in the woodland north of the site. See also response to iv)-vii) below.

*iv) The Applicant states they have no understanding of the dimensions, gradient, condition or flow conveyance capacity of the culvert receiving the Kingsforth Brook north of the site;*

*v) The Applicant has provided no assessment of the current or future projected flows for any Return periods in the Kingsforth Brook arriving at the culvert north of the site;*

*vi) There is therefore no technical assessment of the risk the Kingsforth Brook poses to the proposed development;*

*vii) There is therefore no technical assessment of the risk the development poses on truncating or restricting the current overland flowpath when the Kingsforth Brook exceeds the flow capacity of the existing culvert, and what this means in terms of increased flood risk upstream of the proposed development, west of the proposed development and even south of the proposed development; and*

- The Watercourse Appraisal Report (Eastwood & Partners, Issue 2, November 2018) has assessed the flow from Kingsforth Brook and the capacity of the flow route to be created along the eastern site boundary. Note that some detailed documents including this report were sent directly to the Drainage Engineer during negotiations and discussions over a period of time and were not on the application file at that time, but have now been added.

*viii) The Applicant has provided no evidence of groundwater occurrence and depth in the strata beneath the proposed site, nor monitoring of the groundwater levels during winter and spring months, if encountered – any geological or geotechnical site investigation data to substantiate the on-site geology and hydrogeological regime has not been included; and*

- The Geoenvironmental Appraisal (Lithos Consulting April 2016) contains information from ground investigations including groundwater.

*ix) The Applicant has failed to consider whether diverting the existing foul sewer will increase sewer flood risk upstream or downstream of the site – the diversion may reduce or increase sewage flow conveyance beyond that currently available.*

- Any sewer diversion will require the approval of Severn Trent Water. Diversion of a sewer to a new horizontal alignment has negligible effect of upstream or downstream flood risk.

### Concerns on the Proposed Drainage Strategy

i) *The drainage strategy presented is described as requiring more detailed consideration and appears not to be the final design – the FRA is therefore not based on the intended final scheme. It is essential at planning that the FRA considers the proposed flood mitigation measures and demonstrates they are deliverable on the site;*

- The flood risk assessment and drainage strategy inform the final design, and are not based on it. The drainage strategy and outline design identify a means of disposal for foul and surface water including discharge rate, an approximate attenuation volume required and a proposal to provide this attenuation volume.

ii) *The pluvial flood risk posed by the upstream Kingsforth Brook has not been included in the drainage design at all - other than as a passing comment in the Conclusions on the use of a swale in the north of Site B. This is completely inadequate. The catchment area of the upstream Kingsforth Brook is approximately 26 hectares, of which 19 hectares (76%) can be classified as urbanised. There is no consideration of any design peak flow and volume to be retained by the swale/bund, and no understanding of the capacity of the culvert to receive the ponded waters. The introduction of the swale/bund and removal of overland flow route through the development site increases flood risk to upstream and westerly locations. The upstream flood risk has not been assessed or mitigated;*

- The Watercourse Appraisal Report (Eastwood & Partners, Issue 2, November 2018) has assessed the flow from Kingsforth Brook and the capacity of the flow route to be created along the eastern site boundary.

iii) *The FRA contains no calculations to demonstrate and check how the pre-development Greenfield Run-Off Rate has been determined;*

- Rotherham's policy is to use a greenfield runoff value of 5 l/s/ha across the borough. This equates to 12 l/s for this site. It is proposed to discharge surface water to the existing highway drain, so the allowable discharge has been further reduced to 6 l/s.

iv) *The climate change allowance that is referred to in the FRA for design purposes is 30%. The report itself states the design should use 40%. The EA requires 40%. Use of 30% will therefore undersize the drainage structures;*

- South Yorkshire design guidance specifies a climate change allowance of 30%.

v) *It is unclear whether the proposed discharge rate from the attenuation structures will be limited to 5 litres per second for all Return Period storms (including the 1 in 100 Year), including climate change;*

- Rotherham's policy is to use a greenfield runoff value of 5 l/s/ha across the borough. This equates to 12 l/s. It is proposed to discharge surface water to the existing highway drain, so the allowable discharge has been further reduced to 6 l/s.

vi) *It is not clear which climate change allowance has been allowed for to arrive at the proposed attenuation storage volume for the 1 in 100 year storm event;*

- 30% has been used in the attenuation estimate.

vii) *There are no calculations or models provided to demonstrate the proposed attenuation structure (for holding the on-site run-off water) will function as suggested. As a minimum Source Control Micro- Drainage software input and output calculations and graphs need to be provided;*

- Calculations have been submitted, and further information will be required to be submitted via planning conditions

viii) *It is proposed the on-site flood water storage will be provided in 765m<sup>3</sup> of void created using box culverts (1.8m high x 2.4m long) running for a length of 177m under the main road ways on site. This approach has not considered whether shallow groundwater exists in the underlying strata and whether empty culverts will become buoyant and heave out of the ground or alternatively fill with groundwater;*

- The proposals for surface water attenuation have changed since the original submission. Detailed design will be checked during the discharge of condition application. The drainage condition recommended requires the drainage scheme to be approved before construction of roads or dwellings commences. This is to ensure that if minor amendments are required by the detailed design, these changes can be incorporated into the site layout.

ix) *The below road box culvert structure volume assumes all the volume will be available. The ground terrain has a fall of almost 5m from the centre of the site to the southern boundary (a distance of approximately 100m). Assuming the boxes are buried to the same depth below ground level (perhaps 1m depth) then when the flood storage is full at the southern end (culvert top of 119m AOD), it will still be empty at the northern end (culvert floor at 122m AOD), assuming a constant water level within the culvert structure. The entire volume will not therefore be available for flood storage – this has not been allowed for in the calculations;*

- The issue referred to here is a common limitation of attenuation provision on steep sites and the detailed design will be checked during the discharge of condition application, if this information is not provided before the application is decided.

x) *If the below ground box culverts are able to fill their entire volume, the top of the culvert at its northern most extent in the centre of the site will be filled to level of 124m AOD (assuming it is buried at 1 mbgl). A pressure head of this elevation*

*at the southern end of the tank will be 4m above ground level. This will either result in artesian water discharging under pressure from the culvert storage facility into the southern part of the site development or if non-return valves are fitted to the drains entering the culvert storage, then these will be sealed and prevent run-off water from the southern part of the site from entering the attenuation storage. Either way, the attenuation storage proposed in current geometry will not work – it will not provide 765m<sup>3</sup> of storm water storage;*

- See viii) and ix)

xi) *The FRA does not demonstrate that it is possible to install a further new sewer line beneath Second Lane. An existing sewer line is already located beneath the road.*

- To be checked at detailed design stage. Accommodating 2 sewers in a highway is rarely a problem, even if one is oversized as an attenuation tank.

Therefore in conclusion, the Council's Drainage Engineer does not consider that any of the issues raised in the commissioned report by GWP are sufficient to justify refusing planning permission.

The Environment Agency were consulted on the planning application and stated that they have no objection to the proposed development and refer to their flood risk standing advice.

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

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

### Ecology and biodiversity

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 onsite 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:*

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

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

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

The applicant’s original Ecology Report is considered to be an accurate record of the ecological interests on the site and its assessment is accepted. However as the report was undertaken some time ago certain aspects have been updated this year to ensure that the current situation on site is surveyed and recorded. The Council’s Ecologist is satisfied that the habitats are unlikely to have changed. Its recommendation for biological enhancements including bat and bird boxes, deadwood and rubble piles and hedgehog holes in fences is also accepted, and should be secured via appropriate planning condition. An Informative is also suggested in relation to site clearance outside of the bird nesting season.

The proposal also allows for the retention of the majority of the existing hedgerows around the site as well as additional planting in any areas which have gaps along the eastern boundary with the Green Belt. The retention and improvement of which will be a biodiversity enhancement.

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

Wickersley Woods is a Local Wildlife Site and recognised as an Ancient Semi-Natural Woodland, which is a non-statutory protected site, it is located in close proximity to the north eastern corner of the site, the other side of First Lane, and approximately 42m of the woodland is adjacent to the application site.. Wickersley Wood is managed by Wickersley Parish Council and has an approved Management Plan for the period of 2017-2021. This states that *“the wood is highlighted as a Community Wood, to be managed primarily for public access, informal recreation and their wildlife value, and will generally be used by people living locally”.* It also states that *“as the wood is also located along the path of a*

*Green Link it may attract visitors from a wider area. The wood is an ancient, predominantly semi-rural site, and the majority of the woodland is characterised by 30-70 year old regeneration of silver birch and sessile oak”.*

The WRONG Campaign group have instructed an Ecologist Consultant to submit an objection to the proposal on Ecology Grounds. Within this they refer to Natural England’s standing advice on ancient woodland, and that it is a material consideration to be taken into consideration when determining this application.

To summarise they consider that-

- The buffer zone provided is not sufficient as buffer in size and proposed use, and that the Green Gym proposed will actually attract people closer to the woodlands.
- The proposal would increase the usage of the woodlands
- There is a deficiency in the amount of public open space, which would further encourage footfall into the woods.
- The usage of the woods would increase however no measures have been put in place to control, avoid, limit or compensate for such impacts. No mitigation or compensation is proposed.

Natural England’s Standing Advice states that *“For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage.”* It goes on to state (also echoed in paragraph 175c of the NPPF) that—*“You should refuse planning permission if development will result in the loss or deterioration of ancient woodland, ancient trees and veteran trees unless:*

- *there are wholly exceptional reasons*
- *there’s a suitable compensation strategy in place”*

The Council have policies to protect ancient woodland and would not promote the destruction or damage to ancient woodland. This development does not encroach on the ancient woodland, result in the destruction of ancient woodland or involve the removal of individual trees in the woodland. The application site was designated an Allocation Site (H61) in the Sites & Policies part of the Rotherham Local Plan and the 2<sup>nd</sup> Site Development Guideline does make it clear to prospective developers the importance of Wickersley Wood and the need for a buffer. In this respect it states that: *“This allocation site adjoins a Local Wildlife Site (Wickersley Wood LWS042). Given the importance of Wickersley Wood for nature conservation, a buffer zone of 15 metres should be incorporated into the design. Light pollution into Wickersley Wood should be considered and any potential negative impacts mitigated where possible.”*

The Public Open Space has been positioned in the north-east corner of the site at the request of the Council’s Ecologist so that it could act as a buffer to Wickersley Woods. Trees and shrubs to be planted in this location would be native species, which are local to Rotherham and the Coal Measures and which are locally sourced. Increased recreational pressure on the woodlands can be positive and new residents of the complex could become active in protecting and safeguarding the woods through the Parish Council. The open space provision on the site is

above the level required by local planning policies and is considered acceptable. No dwellings would be constructed within 15m of the woodlands.

Natural England's Standing Advice then goes on to state that *"If you decide to grant planning permission that results in unavoidable loss or deterioration, you should use planning conditions or obligations to make sure the developer:*

- *avoids damage*
- *mitigates against damage*
- *compensates for loss or damage (use as a last resort)"*

With the above in mind, the Council's Ecologist has stated that compensation is only really appropriate where a development would cause definite destruction or damage to an Ancient Woodland which is not the case with this proposal. Whilst the proposal could lead to increased public use of the wood, it is noted that it is managed for recreational purposes, as well as other reasons, and is already well used by local people. The Wickersley Woods Management Plan states *"that public recreation and access is popular but low key and generally informal with no serious conflicts"*. Additionally, work is planned to ensure the woodland continues to be *'welcoming to visitors'*.

It is not considered that the proposal would have a direct impact on Wickersley Woods, however it is noted that it may have an indirect impact on the woodland. It is considered that these indirect impacts could be mitigated against by attaching conditions which require the provision of a scheme for sensitive lighting and details of screening to protect the woodlands from any potential dust pollution during the construction phase, if necessary.

It should be noted that Natural England are not a statutory consultee for this application.

Therefore, due to the active management of the Woods, and the mitigation measures proposed, it is considered that the current application will not have a significant adverse impact on Wickersley Woods.

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

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

character of the soil to be conserved is done so as part of a Construction Management Plan.

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 Tree matters

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

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

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

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

The site has been assessed as being of Low to Medium sensitivity to change and of Medium to High capacity to accommodate residential development. The site lies within the local character area of 8 (Central Rotherham coalfield farmland), which is described as generally being of moderate strength of character but poor condition. The focus of landscape management proposals for this character area, given its character and condition should be to improve and restore features which contribute positively to its overall character.

The Council’s Landscape Design Team considers that the amended landscape proposals are acceptable and manage to retain the boundary hedgerow with the Green Belt whilst still accommodating the drainage swale. Secondary hedgerow planting to the immediate plot boundaries will also assist with setting and screening. It is therefore considered that the proposed landscaping scheme submitted in support of the application is acceptable. In addition, a significant amount of Public Open Space is also proposed on the site.

In relation to trees an Arboricultural Survey has been submitted in support of the application which has been updated in 2020. It contains details of 16 items of vegetation including 7 individual trees, 4 groups of trees and 5 hedges positioned towards the site boundaries. Two trees on the site are protected by a Tree Preservation Order, one fronting onto Second Lane and one close to First Lane.

One group of trees, within Category C, consisting of one Hawthorn and scrub trees particularly self set Ash seedlings, is identified to be removed on the Second Lane frontage to accommodate the proposal. Some additional pruning is also required to trees and hedgerows on the site. No hedgerows are shown to be removed as part of the application, and some sections of hedgerow are to be gapped up as part of the proposal. The Tree Service Section raise no objections to the application and are happy that the proposed landscape scheme will mitigate for the group of trees to be lost in regards to the amenity of the overall site.

Therefore subject to relevant planning conditions, the proposal is considered to be appropriate in relation to its impact on trees and hedgerows at the site. The proposal is therefore in accordance with the above Local Plan policies

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

Policy CS27 'Community Health and Safety' states, in part, that:

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

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

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

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

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

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

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

In general amenity terms the Environmental Health Section note that the site is adjacent to residential properties and is some distance away from any major noise sources. They note that there is potential for disamenity to occur for existing residents from noise during the construction phase and the working hours of the construction work and machinery used on site and dust and mud from the excavation of the land, construction work and traffic flow of lorries entering and exiting the site.

The site would be accessed via quiet residential streets and due to the level of development proposed it is considered appropriate that a condition is attached to any planning permission to require the submission of a Construction Management Plan to control such issues.

In relation to Air Quality issues, the application was supported by an Air Quality Assessment which concludes that there is potential to cause air quality impacts as a result of emissions during the construction phase, however they are not predicted to be significant. The results indicated that the impact as a result of traffic generated by the development was predicted to be negligible.

The site is not within an Air Quality Management Area. And the Council's Air Quality Officer notes that that Rotherham's Delivering Air Quality Practice Guidance, along with one of the key themes of the NPPF, is that developments should enable future occupiers to make "green" vehicle choices and "incorporate facilities for charging plug-in and other ultra-low emission vehicles". Whilst the Air Quality Assessment did not make any recommendations, it is considered that electric vehicle recharging provision should be provided as part of the scheme as there will be significantly increased demand in future years during the lifetime of this development. It is therefore recommended that if planning permission is granted a condition is attached requiring the submission of details of electric charging points to be provided.

Policy SP 49 Safeguarding Mineral Infrastructure states that *"Permission for non-minerals development involving, or within 250 metres of existing, planned or potential safeguarded mineral infrastructure sites will be granted where it can be demonstrated that:*

- a. the infrastructure is no longer required or no longer meets the needs of the mineral or construction industry; or*
- b. development will not prejudice the mineral infrastructure's operation or current or future use; or*
- c. an alternative, appropriate, site provides capacity for delivery of the mineral infrastructure; or*
- d. the need for the proposed development outweighs the need to safeguard the site for mineral infrastructure.*

*The policy will also apply to sites in use for concrete batching, the manufacture of coated materials, other concrete products and the handling, processing and distribution of substitute, recycled and secondary aggregate material not identified on the Policies Map"*

The Mineral Safeguarding Assessment that has been submitted with the application concludes that the need for mineral resources beneath the site does not outweigh the need for the development. The assessment is considered acceptable and notes that the demand for the coal mineral resource is very low and the relatively small area being sterilized is unlikely to have a significant impact on the wider demand for mineral resources.

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

#### Impact on existing/proposed residents

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

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

The SYRDG further goes on to note that in respect of ensuring adequate levels of daylighting, back-to-back distances should, as appropriate to specific circumstances, be limited by the 25 degree rule. Furthermore so as to avoid an overbearing relationship, the SYRDG additionally requires back to side distances and the extent of rear extensions to be limited by the 45 degree rule.

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

It is noted that there are existing residential properties along the western boundary, part of the southern boundary and across First Lane and Newhall Avenue/Second Lane. Woodside Bungalow is located to the east with a field separating it from the application site. In terms of the amenity of nearby existing residents, the site generally adjoins the rear gardens of existing residential properties along Morthen Road, the side garden of a property on Newhall Avenue and properties on First Lane front onto the Lane with the site beyond. There have been numerous objections from local residents regarding the impact that the development would have on them in terms of overlooking, loss of privacy and over dominating feel due to the location, number and size of houses proposed close to the boundaries of their properties.

Whilst it is acknowledged that the proposal would lead to the development of houses in an area where there is currently no development, the dwellings proposed to be located along these boundaries all achieve the minimum separation distances from the existing dwellings, having back gardens with a minimum length of 10m, and achieving the 21m separation distance between rear elevations of properties, many having almost double the separation distance due to long rear gardens to properties on Morthen Road.

Objections have been received relating to the number of dwellings and the size and scale of the properties adjacent to their existing rear gardens and are concerned about the impact of these, and how it will impact their enjoyment of their homes. Details of existing and proposed site levels have been submitted to demonstrate land level changes as the site rises from south to north, to ensure that the proposed development is not overbearing in terms of scale and mass. However as stated above, the dwellings comply with the minimum separation distances and so would not create any significant overlooking issues, nor are they considered to be overdominant or overbearing.

Objections have been received in relation to loss of views, devaluation of existing properties, and the impact that the development of this once green field site will have on the quality of life and mental health of exiting residents, as well as the loss of Equestrian therapy. Again, it should be noted that the site is no longer Green Belt and is allocated for Residential use, and its development for this use is therefore acceptable in principle. Other issues relating to loss of views and devaluation of houses are not material planning considerations.

With regard to the impact of the proposal on the amenity of future residents of

the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for the size of rear gardens as well as spacing standards between the new properties. All plots achieve the relevant minimum garden size and separation distances. Issues regarding contaminated land, noise and air quality have been considered as noted above and where appropriate mitigation measures are to be incorporated into the scheme. As such it is considered that the scheme will provide a good standard of amenity for future residents.

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

### Heritage issues

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

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

It is noted that the site is not located within or adjacent to a Conservation Area. The closest Listed Building to the application site is located at Moat Farm approximately 550m to the south east of the site. The building is separated by fields and dense woodland, as such the proposal is not considered to affect its setting.

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

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

*Environment”.*

The Site Development Guidelines require the proposal to be supported by a Heritage Statement for Archaeology, which was submitted. South Yorkshire Archaeology Service has assessed the report and submissions and raise no objection to the application subject to a condition being attached which requires further archaeological works to be undertaken.

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

Housing Mix and Affordable Housing provision

Policy CS7 ‘Housing Mix and Affordability’ states in part, that:

*”a. Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community.*

*b. The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development: i. Sites of 15 dwellings or more or developments with a gross site area of 0.5 hectares or more; 25% affordable homes on site”*

In relation to the proposed housing mix and affordability Wickersley Parish Council have objected on the grounds that the mix is not appropriate based on the Parish Council’s Housing Need Assessment, prepared to support their draft Neighbourhood Plan. However it should be noted that the Council does not support a small area approach to housing mix and affordability, such as that of the draft Neighbourhood Plan. Given the small size of this site, its location and indeed its situation, there is no objection to the mix being promoted by the applicant.

The proposal includes the provision of 12 units for affordable housing which is 26% of the whole site and therefore fulfils policy requirements. Two and three bedroom houses are acceptable as proposed. The applicant has agreed that 50% of the affordable housing units on this site will be for social/affordable rent and 50% will be for shared ownership. They have agreed to transfer the units to Arches Housing Association which is considered acceptable.

It is therefore considered that the mix of houses proposed by the applicant is acceptable and that the provision of 12 affordable units is appropriate in compliance with Local Plan policy CS7. The provision of the affordable units would be secured by a S106 Agreement.

Impact on infrastructure, including Education and local GPs

With regards to GP Surgeries, the NHS have the following comments *“Thank you for the information relating to the proposed new development which helps us plan for future need and impact on local health services. Based on our primary care estates strategy, services in this area are already pressured. However, to deal with increased pressure on services, the practices are now operating on a Primary Care Network approach to enable more ‘at scale’ working and have adopted new ways of working e.g. telephone and video consultation which should support patient management. Primary Care Networks also have access to an extended workforce to support practices.*

*It is also considered that new developments cause population movement around the Borough e.g. young adults moving out of family homes and not significantly new population and therefore it would be expected that the patients would already be registered with local practices within the Primary Care Network and so can be accommodated”*

It should be recognised that the process to allocate this site has taken place over a number of years with many rounds of public consultation, and infrastructure providers were involved in the process in order that they could align their service and delivery plans to the provision of residential development to be generated by the site.

With regards to the impact on schools, the Education Service notes that the Wickersley School and Sports College is oversubscribed in all year groups. As there is insufficient capacity in local schools for new children moving into this new housing development the developer will be required to pay a financial contribution for educational purposes via a S106 Legal Agreement. In accordance with the Education Service policy the contribution towards Education would be £107,142.

#### Other issues raised by objectors

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

Objections on the grounds that the development contravenes the Human Rights Act have been received. The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. During the planning application process the effects of this proposal on individuals have been considered and weighed against the wider public interest. It is therefore not considered that the proposal breaches the Human Rights Act.

Some residents have claimed that the correct process has not been adhered to and claim maladministration. No evidence has been provided in support of such allegations, and it is not considered that there is any proper basis for them. Officers consider that the application has been considered correctly and fairly, with full opportunity being given to third parties to consider the application and to make comments on it (all of which have been taken into account in preparing this report).

### 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) Subject to paragraph (2A), A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

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

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

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

- 25% provision of on site affordable housing.
- Commuted sum of £500 per dwelling towards sustainable transport measures
- Establishment of a Management Company to manage and maintain the areas of Greenspace
- Education contribution of £107,142

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

The applicant has agreed separately as part of a Unilateral Undertaking to make a contribution of £20,000 to provide a footpath along the northern side of Newhall Avenue, though this is not a specific requirement of the current application.

### **Conclusion**

The site was previously allocated for Green Belt purposes in the former Unitary Development Plan (UDP) but that Plan has been replaced with the adopted Local Plan, which includes the Sites and Policies Document that was adopted on 27 June 2018. The Sites and Policies Document removed the site from the Green Belt and allocated it for 'Residential' purposes. It forms allocated Housing Site H61 and is located within a suitable distance from Wickersley centre, with many facilities. As such, the proposal is acceptable in principle.

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

housing to meet Local Plan targets for housing development within the Plan period to 2028.

Overall the scheme is considered to be in accordance with the Development Plan and with the policies in the NPPF. As such, the proposal is recommended for approval, subject to the signing of a S106 legal agreement as set out above and to the following conditions.

### **Conditions**

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 9, 11, 12, 20 & 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 9, 11, 12, 20 & 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 and to assist in the delivery of development.

02

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

Location Plan Drawing No – 317-RLP

Planning Layout Drawing No - 317.001 Rev T

External Materials and Boundary Treatment Plan Drawing No - 317-004 Rev C

Materials Plan Drawing No - 317-003 Rev K

Landscape Plan Drawing No - P16-1359.001 Rev M

Fire Tracking Drawing No - 317.010 Rev B

Indicative Streetscene Drawing No – 317-004 Rev A

Management Company Plan Drawing No - 317-102 Rev B  
Green Gym Proposals Drawing No - : P16-1359.002  
Electricity Sub Station Plans and Elevations Drawing No – C993899

House Types -

Bamburgh Elevations Drawing No – PD.14.01  
Bamburgh Floor Plans Drawing No – PD.14.00  
Brick Double Garage Front Pitch Drawing No – G1-00-PD  
Dunstanburgh Stone Elevations Drawing No – PD/31/05  
Dunstanburgh Brick Elevations Drawing No – PD/31/02  
Dunstanburgh Brick Floor Plans Drawing No – PD/31/01  
Dunstanburgh Floor Plans Drawing No – PD/31/01  
Edlingham Stone Elevations Drawing No – PD/04/05  
Edlingham Brick Elevations Drawing No – PD/04/02  
Edlingham Floor Plans Drawing No – PD/04/01  
Hadleigh Semi Brick Elevations Drawing No – PD/01/01  
Stone Double Garage Drawing No – PD/G1/01  
Salcombe V0 Stone Elevations Drawing No – PD/06/01  
Salcombe V1 Brick Part Render Elevations Drawing No – PD/07/04  
Salcombe V1 Floor Plans Drawing No – PD/07/01  
Salcombe V1 Elevations Drawing No – PD/07/01  
Salcombe V0 Brick Part Render Elevations Drawing No – PD/07/04  
Salcombe V0 Brick Elevations Drawing No – PD/06/02  
Salcombe V0 Floor Plans Drawing No – PD/06/01  
Tonbridge Brick Elevations Drawing No – PD/57/01  
Tonbridge Stone Elevations and Floor Plans Drawing No – PD/57/01  
Warkworth Brick Part Render Elevations Drawing No – PD/61/03  
Warkworth Brick Elevations Drawing No – PD/61/02  
Warkworth Floor Plans Drawing No – PD/61/01

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details on the approved Materials Plan Drawing No - 317-003 Rev K. Prior to the commencement of any overground development samples of the materials shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

04

The boundary treatment shall be provided on site in accordance with the

approved External Materials and Boundary Treatment Plan Drawing No - 317-004 Rev C. The approved boundary treatment shall be implemented prior to the occupation of each dwelling.

Reason

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

Transportation/Sustainability

05

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

Reason

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

06

Before the proposed development is brought into use, details of cycle storage facilities at dwellings which do not have a garage shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented before each dwelling is occupied.

Reason

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

07

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

08

Prior to the commencement of any above ground development road sections, constructional and drainage details, and timing of the carrying out of the works, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in accordance with the approved details.

**Reason**

In the interest of highway safety.

09

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

- details of vehicular routing
- traffic management measures during the construction work;
- measures to deal with dust generally and also in relation to Wickersley Woods;
- measures to deal with mud in the highway;
- details of any storage on site
- details of loading/unloading of materials/plant;
- details of car parking facilities for the construction staff;
- details of proposed hours of construction on/deliveries to the site;
- details of any lighting;
- 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, residential amenity and ecology.

10

Details of vehicle electric charging points (a minimum of one point per dwelling) 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**

In the interests of sustainable development and air quality in accordance with the Local Plan and the NPPF.

**Contaminated Land**

11

Prior to the commencement of the development a limited Phase II Intrusive Site Investigation should be undertaken in the location of the former stables/barn area on the northern portion of the site following demolition works. 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 shall be submitted and approved 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.

12

Subject to condition 11 above and prior to development commencing, a Remediation Method Statement shall be provided and approved by the Local Planning Authority prior to any remediation works commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority must be given two weeks written notification of commencement of the remediation 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.

13

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. 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.

14

If subsoils / topsoils are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing will need to be presented in the format of a Validation Report.

**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

Subject to Conditions 11 and 12 above, following completion of any remedial/ground preparation works a Validation Report should be forwarded to the Local Planning Authority for review and comment. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all validation data has been approved by the Local Planning Authority.

**Reason**

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

**Ecology**

16

Details of the number, style and location of deadwood and rubble piles to be located

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

**Reason**

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

17

Prior to the occupation of any dwellings on site details of a sympathetic lighting scheme shall be submitted to and approved by the Local Planning Authority. No additional security lighting shall be installed, without the prior written consent of the Local Planning Authority.

**Reason**

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

18

Details of the number, style and location of bird and bat boxes to be located within new build dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the relevant dwelling is occupied.

Reason

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

19

The boundary fencing hereby approved shall include at least one panel in each fence line which has a hole at least 15cm diameter cut in its base to allow the movement of hedgehogs.

Reason

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

Archaeology

20

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

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

Part B (pre-occupation/use)

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

Reason

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

Landscaping and Trees

21

Prior to the commencement of any over ground development an implementation timetable/phasing plan for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping of the site as shown on the approved Landscape Plan Drawing No - P16-1359.001 Rev M shall be carried out in accordance with the approved implementation timetable/phasing plan. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year

Reason

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

22

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

Reason

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

23

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:

- 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.

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.

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

\*\*Using the most recent revision the of the Standard

#### 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 Local Plan policies.

#### 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.

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 Local plan policies.

### Green Gym

25

A timetable for the installation of the Green Gym as shown on approved Green Gym Proposals Drawing No - : P16-1359.002 shall be submitted to and approved in writing by the Local Planning Authority. The Green Gym shall be implemented in accordance with the approved timetable and thereafter retained/maintained.

#### Reason

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

### Levels

26

Prior to the commencement of any above ground development details of existing and proposed finished floor levels of the approved properties and gardens shall be submitted and approved in writing. The development shall be implemented in accordance with the approved levels.

#### Reason

For the avoidance of doubt and in the interests of the amenity of the existing residents adjoining the site in accordance with the Local Plan.

### Drainage

27

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

28

Above ground development 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

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

02

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.

03

Nesting birds:

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

05

Lighting:

A condition 17 requires the submission of a sympathetic lighting scheme. This should demonstrate that light spill will be minimised since illumination of the hedgerows boundaries and woodland could prejudice their use by bats. Impacts can be minimised by implementing the following (after Stone 2013 Bats and lighting):

- Use of narrow spectrum lights with no UV or warm white light;
- Direct lighting downwards;

- Use of low-level lighting (e.g. 2m high lighting columns);
- Use of hoods and cowls to direct lighting onto required areas and not onto adjacent habitats;
- Restrict hours of light.

06

#### Longevity of Ecology Surveys

A repeat walkover if development does not take place within a year of granting planning permission is advised. If there is evidence of change or the presence of protected species, then further surveys may be required.

07

#### Severn Trent Water:

Severn Trent Water advises that there is a public 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. 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

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>RB2020/0011</b> <a href="https://rotherham.planportal.co.uk/?id=RB2020/0011">https://rotherham.planportal.co.uk/?id=RB2020/0011</a>
<b>Proposal and Location</b>	Erection of 1 No. pair of semi detached dwellinghouses on land adjacent 68 Leedham Road, Herringthorpe. S65 3EB
<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 a plot of vacant land located between No.'s 64 & 68 Leedham Road at Herringthorpe. Residential properties surround the site consist of bungalows to each side and detached/semi-detached houses opposite and to the rear.

The plot of land slopes from south to north and measures approximately 15m by 27m.

### Background

There have been three previous applications for residential development on this site:

RB1981/0689 – Outline for a pair of semi-det dwellings with integral garages – Granted.

RB2016/1513 – Erection of 1 No. pair of semi-detached dwellinghouses – Withdrawn

RB2016/1685 – Erection of 1 No. pair of semi-detached dwellinghouses – granted.

The current application is a re-submission of this approval which lapsed in January 2020.

### **Proposal**

The application proposes two 3 bedroom semi-detached dwellings comprising of a single storey front elevation, two storey at the rear with dormer windows within the rear roofslope. The property is on a split level due to the large difference in land levels.

Two parking spaces are to be provided to the front of each dwelling.

### **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:

CS6 Meeting the Housing Requirement  
CS28 Sustainable Design  
CS33 Presumption in Favour of Sustainable Development  
SP11 'Development in Residential Area'  
SP55 'Design Principles'

### **Other Material Considerations**

South Yorkshire Residential Design Guide.

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

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

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

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

### **Publicity**

The application has been advertised by way of a site notice (06 February 2020) along with individual neighbour notification letters to adjacent properties. A total of 11 No. letters of representation have been received and these are summarised below:

- The building is of a high density and represents overdevelopment of the site.
- Overlooking to the properties to the rear at Pearsons Close as the buildings have the appearance of a three storey dwelling due to differences in land levels.
- There will in effect be 12 windows overlooking the properties below.
- The vast majority of these openings are of clear glass.
- The proposal will infringe the “Right to Privacy” as indicated in the Human Rights Act.
- The proposals have an appearance that is too modern for the rest of the more traditional surrounding estate.
- Parking on the bend of the road is already dangerous
- Drainage is poor
- The new properties will result in overshadowing

### **Consultations**

Transportation – 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.
- Design of the dwellings and visual impact on the streetscene.
- Residential amenity
- Parking
- Land contamination

### Principle of development

The site is allocated for residential purposes within the adopted Local Plan and has previously had planning permission for a new residential development approved on it, which has recently lapsed. In land use terms the provision of two dwellings adds to the Borough's Housing Stock in accordance with policy CS6 Meeting the Housing Requirement. Together with the requirements of policy CS 33 Presumption in Favour of Sustainable Development, the principle of residential development on this site is acceptable.

### Design of the dwellings and visual impact on the streetscene

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

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

Core Strategy Policy 28 seeks amongst other things to ensure that all proposals are responsive to their context and visually attractive as a result of good architecture.

The dwellings on Leedham Road consist of bungalows and two storey detached/semi-detached houses which vary in terms of design, size and layout.

Due to the sloping land levels the proposed dwellings are storey single storey at the front and two storey at the rear including a dormer window in the rear roof slope. When viewed from the street they follow the building line and similar ridge height as the adjacent dwelling, No. 68 Leedham Road. The design of the dwellings includes a gable feature at the front similar to properties in the locality and they are also intended to be constructed in similar materials.

As indicated above the land levels drop sharply from south to north in this area though it is noted that these appear to be particularly steep at this plot and more exaggerated than plots to the south. All of the adjacent plots have an element of split levels to the properties. Whilst acknowledging the concerns raised in the objections received, it is considered that the scale of this split level proposal is comparable to nearby properties. It should also be noted that the scale is the same as that previously approved under application RB2016/1685.

Taking the above into account it is considered that the dwellings will not appear over dominant or out of keeping in the street and are in accordance with Policy CS28 and the relevant paragraphs of the NPPF referred to above.

#### Residential amenity

In assessing the impact of the proposed development on the amenity of neighbouring residents, regard has been given to the South Yorkshire Residential Design Guide which states that a minimum 21m should be provided between principal elevations (rear to rear). In addition, no elevation within 10 metres of a boundary with another residential property should have a habitable room window at first floor.

The dwellings are sited as such to adhere to the recommended space standards providing in excess of 30m metres between the new rear elevation and the rear elevations to the properties on Pearson's Close. Whilst it is noted that the properties on Pearson's Close are at significantly lower levels than the proposed site (of the order of 10m from the original ground levels), the distance between the dwellings are well above those recommended in the SYRDG. It is also noted that there will be excavation of ground levels of approximately 2m to the rear part of the site which will also further reduce the potential for overlooking from the rear gardens to properties on Pearson's Close.

Whilst it is noted that room windows are proposed in the side elevations, these are either secondary or bathroom windows and will be glazed with obscure glass and non openable for 1.7m above the floor level of the room to prevent any loss of privacy

As such it considered that no loss of privacy/overlooking would occur to the neighbouring properties in accordance with the relevant policies referred to above. With regard to future occupants the proposed 3 bedroom dwellings meet the minimum internal space standards and private amenity space provision set out within the South Yorkshire Residential Design Guide.

#### Parking

The Council's parking standards state that a minimum of 2 spaces should be provided for houses with 3 or more bedrooms (as proposed here). Permeable surfaces are proposed for the parking spaces along with a landscaping area between the two dwellings. On this basis, the proposed development is considered to be acceptable from a highway safety aspect.

#### Other issues

This application does not trigger the affordable housing policy threshold and no affordable housing contribution will be sought from this development.

The site does not lie within a known flood risk or surface water flood risk area and Yorkshire Water and the Council's Drainage Team have raised any objections on the application.

#### **Conclusion**

In conclusion having regard to the above and taking the objections from the occupiers of other properties into account, it is considered that the proposal represents an acceptable form of development which meets minimum spacing standards without appearing out of keeping in the street or resulting in a detrimental impact to the occupiers of neighbouring properties and provides sufficient on-site parking. As such is in accordance with the relevant policies and it is recommended that the application be granted conditionally.

### **Conditions**

01

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

Reason

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

02

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

(Drawing numbers location plan, site layout, site sections, proposed section, elevations, floorplans)(received 23.01.20)

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

The windows in the side elevations of the dwellings facing 64 & 68 Leedham Road 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.

05

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

a/ a permeable surface and associated water retention/collection drainage, or;

b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and 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.

06

Prior to occupation of the dwellings 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.

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

07

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

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

08

Prior to the occupation of either dwelling, details of the infrastructure to allow every future homeowner on the site to fit their own specific Electric Vehicle Charging connection plate, shall be submitted to and approved by the Local Planning Authority. Each dwelling shall not be occupied until the approved infrastructure has been provided, and they shall thereafter be retained.

Reason

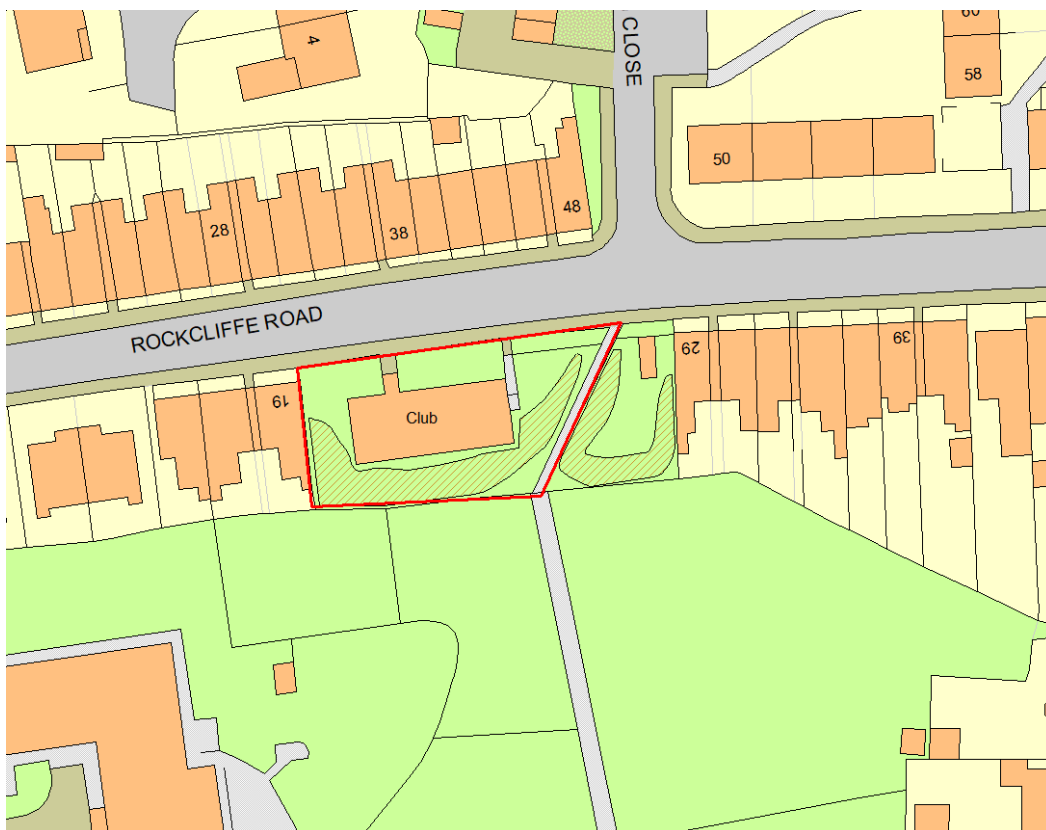
In the interests of sustainable development and air quality.

## 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>RB2020/0111</b> <a href="https://rotherham.planportal.co.uk/?id=RB2020/0111">https://rotherham.planportal.co.uk/?id=RB2020/0111</a>
<b>Proposal and Location</b>	Erection of 10 No. apartments with associated parking & amenity space, former sports & social club, Rockcliffe Road, Rawmarsh
<b>Recommendation</b>	<b>Refuse</b>

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



### Site Description & Location

The site comprises of the former sports & social club on the southern side of Rockcliffe Road in Rawmarsh which was demolished in 2019. The site has since been soiled and seeded and is currently a grassed area. The site is approximately 1.8 miles north of Rotherham town centre and 0.4 miles north of Parkgate centre.

The majority of the surrounding area is residential and most of these properties are generally two storey terraced properties with a high roofline. To the north east of the site are a row of terraced bungalows.

The site does not have any trees on it, though there are trees on the adjacent land to the south and east. The site lies on higher land levels than those to the south where there are long established allotments that are served from a path directly to the east. The site area is approximately 600sqm in size and is between approximately 26-36m in width with a depth of around 18m.

## **Background**

There are no previous applications for residential development although the clubhouse was initially approved in 1965 and extended in 1968.

## **Proposal**

The application is to erect 10no. apartments in a three storey block comprising a combination of 1 and 2 bedroom apartments with associated parking and amenity space. The proposal also has provision for 11 no. off-street car parking spaces at the front of the site. The block is of a modern brick design with windows along the front elevation along with glazing to a stairwell and 4 separate entrances at ground floor level. The rear elevation has a number of Juliet balconies. There is limited rear amenity space with most of the proposed amenity area being in a triangular shape to the side of the proposed building.

The following documents have been submitted in support of the application and these can be summarised below:

### Design and Access Statement

- The efficient use of a vacant piece of land for housing purposes.
- The juxtaposition of neighbouring properties means that existing levels of residential amenity can be retained with no significant impact.
- Ability to offer satisfactory amounts of off-street parking clear of the public highway for occupiers and visitors.
- Sustainable location close to services and facilities.
- Close to main public transport routes and bus stops.

## **Development Plan Allocation and Policy**

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

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

CS3 Location of New Development  
CS21 Landscape  
CS28 Sustainable Design  
SP11 Development in Residential Areas  
SP55 Design Principles  
SP62 Safeguarding Community Facilities

## **Other Material Considerations**

The design advice within the South Yorkshire Residential Design Guide (SYRDG) is also relevant.

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

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

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

## **Publicity**

The application has been advertised by way of a site notice (13 February 2020), along with individual neighbour notification letters to adjacent properties (11 February 2020). In addition, the application was publicised in the Rotherham Advertiser (21 February 2020). A total of 6 objections have been received from individual addresses and these can be summarised as follows:

- Excessively large number of units relative to the site area available.
- One visitor space would not be sufficient for the development.
- Concerns about overlooking and loss of privacy to the houses opposite.
- On street parking will be reduced for users of the nearby allotments as well as residents.
- On street parking to the surrounding area has already been reduced due to increased parking restrictions to the Earl Grey pub.
- Queried whether there is demand for more of these properties.
- Loss of light to neighbouring properties due to the excessive height of the proposal.
- Increase in light pollution from the glazed frontage of the apartments.
- All residents on Rockcliffe Road should have been notified.

## **Consultations**

Landscaping Officer – concerns raised, application cannot be supported

Transportation Infrastructure Service – no objections

Affordable Housing Officer – no Affordable Housing required

Environmental Health – no objections

## Appraisal

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

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

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

The main considerations of the application are as follows:

- The principle of development
- The design of the proposal, impact on the street scene and character of the surroundings
- The impact of the proposed development on nearby residential properties
- Highway safety issues

### Principle of development

The site lies within an area allocated for residential purposes in the Local Plan and as such policy SP11 'Development in Residential Areas, states that all residential uses shall be considered appropriate in these area and will be considered in light of all relevant planning policies.

Policy SP62 'Safeguarding Community Facilities' indicates that "development proposals which involve the loss of other community facilities shall only be permitted where the Local Planning Authority is satisfied that adequate alternative provision has been made or where some other overriding public benefit will result from the loss of the facility, or that the retention of the land or building in community use is no longer viable, on the basis that: d. the site or premises have been marketed to the Council's satisfaction for at least 12 months and included both traditional and web-based marketing, and regular advertisement in local, regional and / or national publications as appropriate; and e. opportunities to re-let premises have been fully explored including the formation of a social enterprise or charitable group that can take over the premises; and f. the premises / site have been marketed at a price which is commensurate with market values (based on evidence from recent and similar transactions and deals); and

g. it has been demonstrated that the terms and conditions set out in the lease are reasonable and attractive to potential businesses, and that no reasonable offer has been refused.

In this instance the previous private members club has closed and been demolished in mid-late 2019. The site has subsequently been soiled and seeded

with all traces of the previous use removed. A green paladin fence has been erected on the front half of the site preventing public access. However, the applicant has not submitted any additional evidence to confirm that the criteria in Policy SP62 has been satisfied. The policy does refer to land or buildings, so the land could still be redeveloped for a private members club if there was a need in the area. Whilst the applicant may be able to satisfy the policy, in the absence of this confirmation, the principle of residential development has not been confirmed to be acceptable in this instance.

No tree survey has been submitted, however there are no trees on the site. The proposed building does not appear to interfere with neighbouring trees, though in the absence of a tree survey, this cannot be confirmed.

In summary, the application site is located within a residential area. The previous private members club building has closed and been demolished. However, the applicant has not submitted any additional evidence to confirm that the criteria in Policy SP62 has been satisfied.

#### The design of the proposal, impact on the street scene and character of the surroundings

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

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

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

In this instance it is considered that the character of the surrounding area consists predominantly of two storey terraced and some semi-detached properties in a traditional design and scale. It is considered that the creation of a 3 storey apartment block with a large number of windows and entrance doors in the front elevation does not reflect the surrounding urban grain of Rockcliffe Road. In particular there are a total of 29 openings along the front elevation and the majority of these windows are square in shape rather than elongated which is

more frequently found in the surroundings. The glazed stairwell is also a feature that is not replicated in the nearby surroundings and it is considered that this further exacerbates the scale of the proposal when viewed from Rockcliffe Road. From a design aspect it is considered contrary to the criteria of SP55 paragraph *a. the setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development.*

In this case the amount of land available for development is quite restricted and the Council's Landscape Team have expressed significant concerns with the proposals in their current form as limited information has been provided on future landscaping details and amenity areas. It is unclear from the plans whether there is any existing vegetation on site, nor whether this has been assessed for retention. There are trees and vegetation along the boundary within the allotment site and these should be surveyed in accordance with the current BS5837 'Trees in relation to construction.

The rear outlook to the proposed apartments is in the order of 3m and well under the recommended 10m as outlined in the SYRDG. This site along with others in the vicinity is narrow in length from front to rear and it may be expected that a full outlook may be difficult to achieve. However, in this instance the amenity area available to the rear is of such a restricted size and elongated shape that it is unlikely to be useable by future occupants. The high scale of the development further exacerbates the shortage of amenity space available with the development. The SYRDG requires 50sqm + 10sqm per apartment of external amenity space (150sqm required). In this case the amount of useable amenity area is around 100sqm. The poor outlook and limited useable amenity space further contribute to the overall unsatisfactory design which is in conflict with the NPPF, Policy SP55 'Design Principles' along with the general advice in the SYRDG.

There are also concerns regarding the limited information regarding key dimensions and any changes in levels. The Landscape Team are also critical of the use of artificial grass on development sites due to the limitations this would provide in supporting biodiversity gain and lack of pollinator friendly planting practice across the borough. Accordingly this goes against the advice within Local Plan Policy 'SP32 Green Infrastructure and Landscape'.

There are also concerns about the high scale of the development and the ability of the site to accommodate all relevant policy requirements i.e. car parking, private and communal amenity space without impacting on surrounding users. In this instance a better layout might be achieved with a reduction in storey height which would bring the numbers down with a similar reduction in car parking and the inclusion of additional amenity space to include tree planting to break up the expanse of car parking to the frontage which with 11 no spaces potentially will appear as a large area of hardsurfacing.

Overall the proposal for a new development which is a full three storey in scale of a contemporary appearance is not considered to make a positive contribution to the character and appearance of the surrounding urban area as required by the NPPF and Local Plan policy SP55 'Design Principles'.

### The impact of the proposed development on nearby properties

As indicated above the proposal does not meet minimum recommended spacing standards. However, whilst the proposals appear to increase the potential to overlook the allotment site to the south, the proposals do not directly overlook any of the existing dwellings.

A number of objections highlight potential overlooking issues. However, a number of other properties on Rockcliffe Road have first floor window to window spacing distances between 13 to 15m. In this case the spacing between the proposal and the front elevation of existing properties opposite is in the order of 18m. As there this would be across a public highway and does not reduce a private amenity area, it would not be expected to achieve a 21m spacing distance. However at 3 storey in height this would appear as an overdominant structure due to the close proximity of the dwellings on the opposite side of the road.

### Drainage

The Drainage Officer has objected to this application as the drainage information provided is insufficient for a major application.

From the information provided, the applicant is proposing to dispose of the surface water via infiltration (soakaways). However, there is no information regarding the percolation rate or sizing of the soakaways. A percolation test should undertake in accordance with BRE Digest 365 to prove that infiltration is a suitable means of surface water disposal. Due to the topography of the site and surrounding area, the risk of infiltrating water reappearing as through as spring lines lower on the site or on neighbouring sites is possible and therefore soakaways may not be an appropriate means of surface water disposal.

The applicant has been informed of this and invited to address this, but no additional information has been received.

### Highway safety issues

The proposals involve the creation of 11 no. off road parking spaces. Whilst a number of objections have been received on parking grounds, the Transportation Unit have not raised any specific objections to the scheme on highway safety grounds.

### Other Issues

The Environmental Health section have raised no specific concerns on residential amenity issues.

This Council's Affordable Housing Officer has confirmed that the application will not be subject to the affordable housing policy requirement as it is only 10 units in total.

The Police Architectural Liaison officer has not raised any objections, subject to a recommendation that the development is designed and built to Secured by Design standards.

## **Conclusion**

Overall the applicant has not submitted sufficient supporting information to confirm that the principle of a residential is acceptable in this instance. The Council is critical of the submitted scheme which is considered to be of an overly dominant scale with large massing of the building, has an excessively large number of windows and front glazing, lack of meaningful outlook to the rear windows and limited amenity space. The front car parking area appearing as a solid mass of built form further indicates that the scheme appears as overdevelopment for this site.

The application is recommended for refusal.

## **Reason(s) for Refusal**

01

The Council considers that the proposal represents overdevelopment of a site that is limited in size, having a scale that is both a full three stories in height combined with its massing which creates an overly dominant form of development in this part of Rockcliffe Road which would be at odds with the traditional two storey scale of properties in the surrounding street scene. The numerous windows and door openings on the front elevation along with the large expanse of car parking to the frontage further exacerbates the dominant scale and unsatisfactory form of development which would harm the character and appearance of the surroundings and harmful to the amenities of occupiers of properties on the opposite side of Rockcliffe Road.. As such the proposed development is considered to be in direct conflict with paragraph 124 of the NPPF and Local Plan policies SP55 'Design Principles' and South Yorkshire Residential Design Guide (SYRDG).

02

The Council also considers that the proposed development would result in an unacceptable short outlook from its rear elevation and this combined with the limited useable private amenity area available is considered to have a detrimental impact on the living standards of future occupiers. As such the proposal would be contrary to the NPPF which requires a high standard of amenity for existing and future users, Local Plan Policies CS28 'Sustainable Design' and SP55 'Design Principles' along with the general advice in the SYRDG.

03

The submitted drainage information is insufficient for a major application. Further information is required regarding the percolation rate or sizing of the soakaways. A percolation test should undertake in accordance with BRE Digest 365 to prove that infiltration is a suitable means of surface water disposal. Due to the topography of the site and surrounding area, the risk of infiltrating water reappearing as through as spring lines lower on the site or on neighbouring sites

is possible and therefore soakaways may not be an appropriate means of surface water disposal.

04

The Council further considers that the applicant has not provided sufficient supporting information or justification to demonstrate that Policy SP62 'Safeguarding Community Facilities' which indicates that "...*development proposals which involve the loss of other community facilities shall only be permitted where the Local Planning Authority is satisfied that...the retention of the land or building in community use is no longer viable...*" has been fully complied with.

#### POSITIVE AND PROACTIVE STATEMENT

The applicant did not enter into any formal pre application discussions with the Local Planning Authority. Discussions during the determination of the application have identified that it is not possible to support a scheme of this nature nor would any amendments make it acceptable. It was not considered to be in accordance with the principles of the National Planning Policy Framework and resulted in this refusal.