

PLANNING REGULATORY BOARD

**Date:- Thursday 4 February
2021**

**Venue:- Virtual Meeting via Microsoft
Teams**

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 4)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 17th December, 2020 (herewith)
(Pages 5 - 7)
6. Deferments/Site Visits (information attached) (Pages 8 - 9)
7. Development Proposals (report herewith) (Pages 10 - 62)
8. Updates
9. Date of next meeting - Thursday, 25th February, 2021 at 9.00 a.m.

Membership of the Planning Board 2020/21

Chair – Councillor Sheppard

Vice-Chair – Councillor Williams

Councillors Atkin, Bird, D. Cutts, M. S. Elliott, McNeely, Rushforth, Sansome, Short, Steele,
John Turner, Tweed, Walsh and Whysall.

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

IN THE CASE OF VIRTUAL MEETINGS

If you wish to speak in the meeting, please try to arrive in the lobby ten minutes before the meeting starts.

The agenda is available on line at least five days prior to the meeting and published on the Council's website.

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.

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.

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 meeting.

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 Governance Adviser prior to the meeting.

Signed:-

(When you have completed this form, please hand it to the Governance Adviser.)

**PLANNING BOARD
17th December, 2020**

Present:- Councillor Sheppard (in the Chair); Councillors Atkin, Bird, Cowles, D. Cutts, Mallinder, McNeely, Rushforth (Observer), Sansome, Short, Steele, John Turner and Walsh.

Apologies for absence were received from Councillors M. Elliott, Whysall and Williams.

The webcast of the Planning Meeting can be viewed at:-

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

136. EXCLUSION OF THE PRESS AND PUBLIC

There were no items on the agenda to warrant exclusion of the press and public.

137. MATTERS OF URGENCY

There were no matters of urgency for consideration.

138. DECLARATIONS OF INTEREST

Councillor John Turner declared a disclosable interest in application RB2020/1350 (erection of 2 No. dwellinghouses with integral garages and widening of existing private driveway at land to rear of 46-50 Goose Lane, Wickersley for Messrs. Habbin and Turner) on the grounds that he was related to the applicant and left the meeting whilst this application was considered.

139. MINUTES OF THE PREVIOUS MEETING HELD ON 26TH NOVEMBER, 2020

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 26th November, 2020, be approved as a correct record of the meeting.

140. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

141. 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, a number of people attended the meeting and spoke about the following application:-

- Erection of 2 No. dwellinghouses with integral garages and widening of existing private driveway at land to rear of 46-50 Goose Lane, Wickersley for Messrs. Habbin and Turner (RB2020/1350)

Mr. D. Matthews (Supporter)

Ms. K. Swann (Objector)

A statement was read out on behalf of Ms. J. Carder (Objector)

(2) That, application RB2020/1350 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

142. UPDATES

The following updates were provided:-

(a) Penny Hill Wind Farm, Ulley

Power generation figures had been provided for the four Yorkshire wind farms owned and operated by renewable energy firm, Banks Renewables, which included the Penny Hill Wind Farm at Ulley. The four wind farms generated enough electricity in the company's last financial year to meet the annual electricity needs of more than 35,000 homes – the equivalent of a town the size of Bridlington.

The four sites generated almost 110,000 MWh of electricity between them over the last twelve months to the end of September, which in turn displaced around 28,000 tonnes of carbon dioxide from the electricity supply network.

The six-turbines at Penny Hill Wind Farm led the way by generating 43,500 MWh over the last twelve months.

(b) 2020 Planning Matters

The Chair wished to place on record his thanks and appreciation to all those involved with the Planning Service and the Planning Board during the testing times of 2020 with the pandemic and the amount of work involved with ensuring the process continued to run smoothly.

Resolved:- That the update information be noted.

PLANNING BOARD - 17/12/20

143. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 14th January, 2021 at 9.00 a.m.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL**PLANNING BOARD****DEFERMENTS**

- Planning applications which have been reported on the Planning Board Agenda should not be deferred on request without justification.
- Justification for deferring a decision can arise from a number of matters:-
 - (a) Members may require further information which has not previously been obtained.
 - (b) Members may require further discussions between the applicant and officers over a specific issue.
 - (c) Members may require a visit to the site.
 - (d) Members may delegate to the Assistant Director of the Service the detailed wording of a reason for refusal or a planning condition.
 - (e) Members may wish to ensure that an applicant or objector is not denied the opportunity to exercise the “Right to Speak”.
- Any requests for deferments from Members must be justified in Planning terms and approved by the Board. The reason for deferring must be clearly set out by the Proposing Member and be recorded in the minutes.
- The Assistant Director of Planning, Regeneration and Transport or the applicant may also request the deferment of an application, which must be justified in planning terms and approved by the Board.

SITE VISITS

- Requests for the Planning Board to visit a site come from a variety of sources:- the applicant, objectors, the Parish Council, local Ward Councillors, Board Members or sometimes from the Assistant Director of Planning, Regeneration and Transport.
- Site visits should only be considered necessary if the impact of the proposed development is difficult to assess from the application plans and supporting information provided with the officer's written report; if the application is particularly contentious or the application has an element that cannot be adequately expressed in writing by the applicant or objector. Site visits can cause delay and additional cost to a project or development and should only be used where fully justified.
- The reasons why a site visit is called should be specified by the Board and recorded.
- Normally the visit will be programmed by Democratic Services to precede the next Board meeting (i.e. within three weeks) to minimise any delay.
- The visit will normally comprise of the Members of the Planning Board and appropriate officers. Ward Members are notified of visits within their Ward.
- All applicants and representees are notified of the date and approximate time of the visit. As far as possible Members should keep to the schedule of visits set out by Committee Services on the Board meeting agenda.
- Normally the visit will be accessed by coach. Members and officers are required to observe the site directly when making the visit, although the item will be occasioned by a short presentation by officers as an introduction on the coach before alighting. Ward Members present will be invited on the coach for this introduction.
- On site the Chair and Vice-Chair will be made known to the applicant and representees and will lead the visit allowing questions, views and discussions. The applicant and representees are free to make points on the nature and impact of the development proposal as well as factual matters in relation to the site, however, the purpose of the visit is not to promote a full debate of all the issues involved with the application. Members must conduct the visit as a group in a manner which is open, impartial and equitable and should endeavour to ensure that they hear all points made by the applicant and representees.
- At the conclusion of the visit the Chair should explain the next steps. The applicant and representees should be informed that the decision on the application will normally be made later that day at the Board meeting subject to the normal procedure and that they will be welcome to attend and exercise their "Right to Speak" as appropriate.

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
4 FEBRUARY 2021**

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

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| RB2020/1708 Single storey rear extension at 372 Bawtry Road Hellaby for Ms. J. Mallinder. | Page 30 |
| RB2020/1815 Application to vary condition 2 (approved plans) imposed by RB2016/1492 at land East of Grange Lane Maltby for Jones Homes (Yorkshire) Limited. | Page 36 |

REPORT TO THE PLANNING BOARD TO BE HELD ON THE 04 FEBRUARY 2021

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

| | |
|------------------------------|--|
| Application Number | RB2020/0414 https://rotherham.planportal.co.uk/?id=RB2020/0414 |
| Proposal and Location | Conversion and extension of existing commercial building to 14 No. residential apartments and removal of palisade fencing and erection of railings at former Treeton Youth Enterprise Centre, Church Lane, Treeton |
| Recommendation | Grant Conditionally |

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



Site Description & Location

The application site consists of the former Treeton Youth Enterprise Centre, which was formally a school. The building is an attractive Victorian school building constructed of Rotherham Red sandstone with a Welsh slate roof.

The site is accessed off Church Lane but is visually prominent from both Church Lane and Front Street. The building is within the Treeton Conservation Area. The site includes a number of trees to the frontage of the site which figure prominently within the surrounding Conservation Area.

To the south of the buildings on the site is a multi use games area which was formally leased by Treeton Parish Council. However, this has now closed and is not open to the public.

Background

The planning history of the site relates to its former use as a school and is not relevant to this application.

Community Infrastructure Levy:

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

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

Proposal

The application seeks full planning permission for the conversion of the existing historic building into 14 apartments. The proposals include improvements to the external appearance of the building, including the removal of a C20th chimney stack from the Front Street elevation and building pitched roofs over existing flat roofs.

The proposed conversion comprises of 14 apartments, of which 6 would be one bedroom, 5 would be studio flats, and 3 would be two bedroom.

The submitted plans show 18 No. car parking spaces for the 14 No. apartments.

The submitted elevation plans show the removal of the palisade fencing to the north of the site between the stone piers and the erection of railings which would face Front Street.

During the course of the application process the former MUGA has been included within the application site and would be retained for the informal use by the residents of the proposed dwellings.

The following supporting documents have been submitted:

Design and Access Statement

The Statement concludes that the “proposed conversion of the former Treeton Youth Enterprise Centre into fourteen sympathetically designed dwellings would result in the retention of these attractive and key buildings which is important in the history of the village and which will be retained through a beneficial alternative use, and perhaps more importantly safeguarding their long term future.”

Heritage Statement

The Heritage Statement concludes that “the impact on the Conservation Area is considered to be neutral and the proposed development is therefore in accordance with the statutory duty of S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

Affordable Housing Statement

The Affordable Housing Statement concludes that the application qualifies for “Vacant Building Credit” and is therefore not subject to any affordable housing contribution.

Land Contamination Screening Assessment Form

This document sets out the likely risks of land contamination at the site.

Tree Report

The Tree Survey notes that there are 8 trees on the site facing Front Street which should be removed due to ongoing maintenance issues which could lead to damage to the boundary wall and the building itself. The Tree Report sets out that the trees are generally in a poor condition. However, the Tree Report recommends replacement planting to enhance biodiversity and amenity in the area.

Development Plan Allocation and Policy

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

The application site is within an area identified for Residential purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

CS7 ‘Housing Mix and Affordability’

CS14 ‘Accessible Places and Managing Demand for Travel’

CS20 'Biodiversity and Geodiversity,'
CS21 'Landscapes'
CS23 'Valuing the Historic Environment'
CS25 'Dealing with Flood Risk'
CS29 'Community and Social Facilities'

The Rotherham Sites and Policies Document – June 2018.

SP11 'Development in Residential Areas'
SP26 'Sustainable Transport for Development'
SP32 'Green Infrastructure and Landscape'
SP41 'Conservation Areas'
SP43 'Conserving and Recording the Historic Environment'
SP55 'Design Principles'
SP62 'Safeguarding Community Facilities'
SP64 'Access to Community Facilities'

Other Material Considerations

South Yorkshire Residential Design Guide.

National Planning Practice Guidance (NPPG).

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

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

Publicity

The application has been advertised by way of press notice, site notice and individual letters to neighbouring properties. The Council has received 17 representations from neighbouring residents and Treeton Parish Council and a petition with 16 names and addresses supplied, all objecting to the proposal, along with 1 neutral comment.

Treeton Parish Council

- Raise no concerns about the principle of residential redevelopment of the site.
- The building should be sympathetically converted.
- Raise concerns about potential congestion and parking on Church Lane.
- Concerns about the small size of the units.

- Request that no construction or visitor traffic parks on Church Lane and this is controlled by way of a condition attached to any approval.

The comments raised from neighbouring residents are summarised below:

- Concerns about increased traffic and impact on Church Lane with this road being blocked for local residents.
- Concerns that neighbours have not been notified in writing and a delay in the site notice being put up on site.
- Very limited outside space for residents of the flats.
- The residential units are very small. Larger and fewer units would be preferable.
- Concerns about who the target market is for the flats and potential problems they may cause.
- No external improvements would be made to the building. Any new development should enhance the site and the Treeton Conservation Area, including the removal of the industrial style fencing and C20th chimney.
- The density of the development is out of character with the surrounding area.
- Insufficient parking for the development.
- Why hasn't a structural survey been submitted?
- An ecological survey should be submitted including a bat survey.
- The plans do not show how the internal space would be treated including cross section drawings.
- The adjacent sports facility is not included in the application and it is unclear what would happen with this land.

The 16 name petition has been signed by many of the residents who have sent in individual letters and raises the same issues as set out above.

Further publicity has more recently taken place noting that the MUGA has been included within the application site though no further comments have been received at this stage.

Consultations

RMBC - Transportation Infrastructure Service: Note that though the number of parking spaces (18) is below the Council's minimum requirements for 14 apartments, which is normally 21 parking spaces. However, as the site is in a sustainable location in transport terms, they do not want to raise concerns about this.

They raise no objections subject to conditions about the parking spaces being laid out in accordance with the submitted plans and a condition promoting sustainable transport choices and a condition requiring that the MUGA is only used by the residents and not by members of the public.

RMBC - Tree Service Manager: Notes that the loss of the trees facing Front Street is regrettable and will lead to some loss of visual amenity within the surrounding area. However, it is considered that replacement planting should take place to off-set the loss that would occur. The Tree Service Manager does not raise objections to the proposals subject to a recommended condition relating to replacement planting at the site.

RMBC - Landscape Design: Raised concerns about the level of amenity space that would be made available to future residents. However, this has been resolved by the inclusion of the MUGA into the development. Also raise concerns about potential removal of trees to the site fronting Front Street and recommends replacement planting, which has been agreed with the applicant. Concerns are raised about the existing palisade fencing around the boundary of the site and recommends that this is removed. However, this has been resolved by the amended plans.

RMBC – Drainage: Raise no objections to the proposal.

RMBC - Affordable Housing Officer: The building qualifies for Vacant Building Credit and therefore no affordable housing contribution is required.

RMBC – Ecologist: Considers that a Bat Survey would not be necessary for the site as the building is unlikely to support bats. He recommends native species for the replacement tree planting for biodiversity enhancement.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- The principle of the development
- Design, layout and scale and impact on Conservation Area
- Highway issues
- General amenity issues
- Affordable Housing provision
- Tree issues
- Gigabit Broadband

- Other issues raised by objectors

The principle of the development

The application site is located in an area identified as Residential Use in the Local Plan. However, the site was previously in community use as a Youth Centre, though the Council's CYPS service no longer required the building with the services being relocated elsewhere in the Borough.

Policy CS29 'Community and Social Facilities' states that: "The Council will support the retention, provision and enhancement of a range of community and social facilities in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities; particularly in areas of housing growth or identified deficiency." As such, there is a presumption in favour of retaining community facilities.

The site became redundant at the end of March 2019. However, as this site was previously used for community facilities regard has to be made to Policy SP62 'Safeguarding Community Facilities' which states that (amongst other things) "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."

The building was previously within the Council's ownership and a review took place in March 2019 that set out options for the building. The review did set out that through the marketing of the building, no community group or the local Parish Council wished to take the building on for community purposes. It noted that no Community Asset Transfer interest was received and that there were no expressions of interest for the freehold or leasehold disposal of the

building. As such, it is considered that this review, along with the previous marketing of the site for community use and for potential commercial use, is acceptable to satisfy this Policy. Furthermore, it is noted that the services at the site were relocated elsewhere in the Borough, so there was no overall loss of benefit to the local community from the loss of this building.

Policy SP11 'Development in Residential Areas' states that: "Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies."

The site itself is located within an established residential area in the centre of the village of Treeton. The majority of the neighbouring land uses are residential, except for some retail units on Front Street. It is considered that residential use would therefore be compatible with the existing neighbouring land uses.

The site is located within a sustainable location in centre of Treeton which has a number of shops and services including a school. Furthermore, there is a regular bus route through the village.

Accordingly, the site is not considered to be isolated or remote from services/amenities, and as a consequence future residents would not be overly reliant on private vehicles to access such facilities.

Having considered all of the above, it is accepted that the use as a community facility is surplus to requirements with the services relocated, the site has been adequately marketed at a price commensurate with market values and as such meets the requirements of Policy SP62. In addition, the site is within an area identified as Residential on the adopted Local Plan and the proposals comply with Policy SP11 'Development in Residential Areas.'

Design, scale and appearance including impact on Treeton Conservation Area

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

This approach is also echoed in National Planning Policy in the NPPF.

The NPPF at paragraph 124 states: "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 130 adds: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an

area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.”

CS policy 28 ‘Sustainable Design’ indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

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.

With regards to the setting of the Treeton Conservation Area, Section 69 of the 1990 Planning (Listed Buildings and Conservation Areas) Act, notes that a conservation area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Local Plan Policy CS23 ‘Valuing the Historic Environment’ states that: “Rotherham’s historic environment will be conserved, enhanced and managed, in accordance with the principles set out below (which includes amongst other things that): d. Proposals will be supported which protect the heritage significance and setting of locally identified heritage assets such as buildings of local architectural or historic interest, locally important archaeological sites and parks and gardens of local interest.”

Policy SP41 ‘Conservation Areas’ states that: “Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles (amongst others) developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham’s Conservation Areas and their settings.”

Policy SP 43 ‘Conserving and Recording the Historic Environment’ states that:

“All proposals affecting a heritage asset will require careful assessment as to the impact and appropriateness of development to ensure that the historic, architectural, natural history, or landscape value of the asset and / or its setting are safeguarded and conserved, and any conflict avoided or minimised in accordance with the policies of this Local Plan.”

The National Planning Policy Framework (NPPF) states at paragraph 189 that: “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise

where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

The NPPF states at paragraph 190 that: “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

The NPPF further states at paragraph 193: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

The NPPF further states at paragraph 196 that that: “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

With regards to design it is noted that the proposals are to convert the building into residential use as 14 No. apartments. Further to negotiations with the applicant they have agreed to remove the C20th chimney fronting Front Street and to add a number of pitched roofs on to existing flat roofs. The remaining flat roofed structure would be re-clad in natural stone. All new windows and doors would be replaced.

It is considered that these alterations would significantly improve the character and appearance of the building. As such, it is considered that the proposals would represent an enhancement of the Conservation Area.

It is noted that neighbouring residents have raised concerns about the design of the existing fencing around the site. It is considered that much of the fencing is industrial in character and is unattractive. However, further to negotiations with the applicant they have agreed to replace the fencing with more historically appropriate metal railings. This is considered to represent a significant visual enhancement of the building and it is considered reasonable to append a condition requiring that the replacement fencing is installed.

The site is roughly in the centre of the Treeton Conservation Area. It is close to a number of Listed Buildings namely the Grade I Listed St Helen’s Church. However, the proposals seek to convert the existing building and not add any additional new build. As such, the proposals would not impact on the setting of this important Listed Building.

In conclusion, it is considered that the proposal represents an opportunity to significantly enhance the character and appearance of this attractive and historic building. As such, the proposals fully accord with the aforementioned policies and guidance in relation to design and impact on the Treeton Conservation Area.

Highways issues

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

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

The NPPF notes at paragraph 109 that: "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."

It is noted that a number of local residents and Treeton Parish Council raised concerns about increased traffic to and from the site, particularly as the site is accessed off the very narrow Church Lane. Whilst these concerns are noted, the Council's Highway's Engineer did not raise any concerns about the change of use in highway terms. The Council's Highway Engineer notes that though the site is sub standard in terms of the Council's minimum parking standards it is sustainably located and as such, could not be refused planning permission on this basis.

It is noted that the Parish Council requested that a condition be appended to any planning permission granted in respect of restricting parking of construction traffic on Church Lane. In view of the tight nature of the site and the access it is considered reasonable in this instance to include a condition requiring a Construction Management Plan, which would include details of where vehicles would be parked during the conversion works.

The site would need to be provided with electric vehicle charging points in order to satisfy the requirements of the recently adopted Supplementary Planning Document 2 Air Quality and Emissions and Policy CS30 'Low carbon & renewable energy generation' and Policy SP57 'Sustainable construction' of the Sites and Policies Document. This would be provided by way of condition attached to any planning permission granted in this respect.

General amenity issues

With regards to amenity it is noted that the buildings themselves are detached and were previously in use, albeit for a commercial purpose. It is considered that the residential conversion of these single storey buildings would not harm the amenity of neighbouring residents in terms of overlooking, or as a conversion would not harm their outlook or lead to loss of light. As such, it is considered to be acceptable in terms of impact on neighbouring amenity.

With regards to the amenity for future residents it is noted that a number of local residents have raised concerns about the small size of the apartments. However, the spacing standards of each apartment complies with the spacing standards set out in the South Yorkshire Residential Design Guide and as the development represents a conversion, they are acceptable. As such, it is considered that the proposed dwellings would provide an adequate level of amenity in terms of space standards for future residents.

In terms of outdoor amenity provision, the applicant has amended the scheme to include the existing Multi Use Games Area (MUGA) within the application site, and this area would be made available for future occupiers of the residential conversion.

Affordable Housing provision

Core Strategy Policy CS7 'Housing Mix and Affordability' states that sites with 15 dwellings or more shall provide 25% affordable housing.

It is noted that the proposal in question is for 14 dwellings and being the conversion of a redundant building benefits from Vacant Building Credit. As such, the Affordable Housing Officer has confirmed that this proposal does not trigger any affordable housing requirement.

Tree Issues

With regards to trees it is noted that there are a number of trees located to the north of the site immediately adjacent to Front Street. The trees are protected by virtue of their location in the Treeton Conservation Area.

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

The NPPF advises at paragraph 175 that: "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- a) if significant harm resulting from a development cannot be avoided

- (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
 - b) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and'
 - c) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around development should be encouraged, especially where this can secure measurable net gains for biodiversity enhance biodiversity should be permitted;”

The submitted Tree Report identifies 8 trees on the site which are all considered to fall within Category C - Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm.

The Council's Arboricultural officer regrets the loss of the trees facing Front Street as they do have visual amenity value for the surrounding area. However, he acknowledges the comments made in Tree Report that the trees have some serious future maintenance requirements and would require removal in any case owing to their close proximity to the building. The Arboricultural Officer recommends an appropriate replacement tree planting condition, which is considered to be able to satisfy amenity and biodiversity requirements at this site.

As such, it is considered to be acceptable in terms of impact on the trees on the site subject to the recommended condition.

Gigabit Broadband

The four South Yorkshire Authorities have committed to ensuring that relevant developments are provided with Gigabit-capable full fibre broadband. This development as it is for more than 10 dwellings falls within these criteria. A condition is recommended that would address this matter.

Other issues raised by objectors

It is noted that concerns have been raised by local residents about the type of residents that these small residential units would attract. However, it is

considered that this is not a material planning consideration and therefore cannot be taken into account in regards to this application.

It is noted that concerns were raised about ecological impact on the site and the potential for bats to be roosting inside the building. The Council's Ecologist was consulted on the application and he considers that it is very unlikely that bats would be present and does not consider that a Bat Survey is required to be undertaken at the site. However, he did recommend the use of native species for the replacement tree planting for biodiversity reasons. It is considered that this could be achieved through the recommended Tree replacement condition.

Local residents raised concerns that they weren't notified of the application. The application was submitted during the first Lockdown in March 2020 which caused a delay in the Site Notice being placed on site, and this subsequently occurred in April 2020. In addition, all the relevant neighbours were notified about the application and a notice in the press also took place, all in accordance with the Council's publicity procedures.

Conclusion

In conclusion it is considered that the proposed loss of the community facility has been justified by the applicant. As the site is located within the centre of the village of Treeton it is considered to be an appropriate and sustainable location for new housing development. Furthermore, the proposal would lead to the valuable addition of new housing to the Borough.

The development, subject to conditions, is considered to enhance the character and appearance of the Treeton Conservation Area and would provide an acceptable standard of residential amenity for future occupants and would not harm the residential amenity of neighbouring residents. The proposal is also considered to be acceptable in terms of highway safety and ecology.

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 Number (Location Plan)(Received 26/01/2020)
Drawing Number, FS06/ 1)(Received 19/01/2021)
Drawing Number (FS06/ 3)(Received 01/09/2020)
Drawing Numbers (FS06/ 4/ 5/ 6 & 7)(Received 15/01/2020)

Reason

To define the permission and for the avoidance of doubt.

03

Prior to the removal of the chimney facing Front Street details of the materials to be used in the reconstruction of the external surfaces of the development hereby permitted, including roofing and walling materials where appropriate, shall be submitted or samples of the materials have been left on site, and the development shall thereafter be carried out in accordance with the approved details/samples.

Reason

In the interest of visual amenity in accordance with SP41 'Conservation Areas.'

04

The boundary treatment to the north of the site shall be wrought iron or cast aluminium as shown on Drawing FS06 / 3 (received 1/09/2020). The railings shall be painted black or dark green unless otherwise agreed in writing with the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason

In the interest of visual amenity in accordance with policy SP41 'Conservation Areas.'

05

Prior to the occupation of the dwellings hereby approved details of the replacement windows, including their paint colour, shall be submitted to and approved by the Local Planning Authority at a scale of 1:10. The window shall be timber with a painted finish unless otherwise agreed in writing with the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason

In the interest of visual amenity in accordance with policy SP41 'Conservation Areas.'

Highways

06

Before the development is brought into use the car parking area shown on the approved plan (Drawing Number FS06/3)(Received 01 September 2020) plan shall be provided, marked out and thereafter maintained for car parking.

Reason

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

07

A scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. This should take the form of an Information Pack for new residents as well as cycle parking. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

08

Prior to the occupation of any dwelling, details of vehicle charging points (one point per parking space) shall have been submitted to and approved by the local planning authority. The development shall not be occupied until the charging points have been provided, and they shall thereafter be retained.

Reason

In the interests of sustainable development and air quality.

09

The Multi Use Games Area to be retained on site shall only be used by those occupying the residential accommodation on site and shall not be made available to the general public.

Reason

The parking area on site does not have the capacity to deal with general parking for those not living on the site

Trees and Landscaping

10

Prior to the occupation of the dwellings hereby approved details of a suitable scheme of proposed tree planting and tree pits shall be submitted to and approved in writing with the Local Planning Authority.

The scheme shall include the following comprehensive details of the 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 (planting plans maybe required).
- Comprehensive details of ground/tree pit preparation to include:
 - Plans detailing adequate soil volume provision to allow the trees 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 methods
- Five year post planting maintenance and inspection schedule.

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape – Recommendations.

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

Reason:

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

Broadband

11

Prior to the occupation of the dwellings hereby approved, details of measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

In accordance with Local Plan Policy SP61 'Telecommunications' and Chapter 10 of the NPPF.

Informatives

01

The Developer is requested to avoid any parking on Church Lane during the construction process as this is likely to block access along the Lane to the detriment of road safety in the area.

02

Planning Informative Note: Provision of gigabit-capable full fibre broadband for dwellings/developments:

Developers should:

- Contact broadband infrastructure suppliers ASAP about their planning application and requirements
- Provide gigabit-capable full fibre broadband for dwellings/developments
- Consider installing gigabit-capable full fibre infrastructure from at least 2 suppliers

Gigabit-capable full fibre Network Operators:

Openreach: Information applies to new residential and commercial developments:

Developer information: <https://www.openreach.com/fibre-broadband/fibre-for-developers/registering-your-site>

Rate card for 1-19 plots:

<https://www.openreach.com/content/dam/openreach/openreach-dam-files/images/fibre-broadband/fibre-for-developers/registering-your-site/Rate%20card%20website.pdf>

The benefits of installing full fibre network:

https://www.openreach.com/content/dam/openreach/openreach-dam-files/images/fibre-broadband/fibre-for-developers/registering-your-site/OR_10965_Small%20build%20A5%20tri-fold%20leaflet_04%20WEB.pdf

Virgin Media : <https://www.virginmedia.com/lightning/network-expansion/property-developers>

CityFibre:

CityFibre only invests in full fibre networks, which means fibre at every point in the network, including the final leg from the street cabinet. With no reliance on copper infrastructure, our connections are the best way to ensure your buyers receive gigabit-speed, consistent and reliable internet connectivity.

Provide a future-proof network capable of 10Gbit/s and beyond. Sites of 10+ plots – free issue of ducts, chambers & lids and ancillary items to site and payment of approved works to developer. Dedicated locally based City Planner for rapid and consistent turnaround of site design. CityFibre are interested in smaller plots of <10 and will provide further support and information on a site by site basis. Register your site and for more information: <https://www.cityfibre.com/property/>

Hyperoptic: <https://hyperoptic.com/>

Gigaclear: <https://www.gigaclear.com/>

Pine Media: <https://www.pinemedia.net/developers/>

This list is not exhaustive.

For further information on other technologies available:
<http://www.superfastsouthyorkshire.co.uk/technologies>

Evidence: Installation of gigabit-capable full fibre broadband in new developments:

The types of evidence that can be submitted include:

- A contract or invoice for the installation of the physical infrastructure and the connection to gigabit-capable full fibre broadband (must match the stipulation in the original requirement by the Local Authority)
- Confirmation of the speed that will be achieved by the gigabit-capable full fibre broadband infrastructure, from the network operator

Other support:

The Superfast South Yorkshire Team is available to offer advice and discuss connectivity solutions to new sites with developers and can be emailed at hello@superfastsouthyorkshire.co.uk

For more information please visit:
<http://www.superfastsouthyorkshire.co.uk/sfsy/developments>

POSITIVE AND PROACTIVE STATEMENT

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

| | |
|------------------------------|--|
| Application Number | RB2020/1708 https://rotherham.planportal.co.uk/?id=RB2020/1708 |
| Proposal and Location | Single storey rear extension |
| Recommendation | Grant Conditionally |

This application is being presented to Planning Board due to the applicant being an elected member for the Rotherham area.



Site Description & Location

This application relates to 372 Bawtry Road, Hellaby which is a semi-detached property located on a main road. The road comprises of other semi-detached and detached properties all of different design and style. The property is set back from the main road and is set in a large rectangular plot with a large garden to the rear.

Background

There has been one previous application on this property for a lounge extension, RB1989/1698 which was granted

Proposal

The application is seeking permission for planning permission for a single storey rear extension.

Internally the extension is to form a downstairs bedroom, a wet room and to extend to create a larger kitchen diner.

Externally the extension will be built around an existing off shot from the property and will project no more than 4m out to the rear. The extension will have an overall height of 3.7m and a height to the eaves of 2.5m.

The extension will have a staggered rear elevation in order to meet the Council's Householder Design Guide in relation to the projection adjacent to the boundary with the neighbouring property.

The extension will have a pitched roof with 5 velux windows in, 2 down one side and 3 to the side of the boundary with No. 370. The extension will have double doors to the rear, a window to both sides. The window closest to the boundary with No. 370, is the downstairs wet room and will have obscure glazing.

The extension is to be finished in block render and have a glass reinforced plastic roof.

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

Proposed elevations (received 8/01/2021)
Proposed floor plans (received 8/01/2021)
Site Plan (received 8/01/2021)
Location plan (received 8/01/2021)

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.

Other Material Considerations

Interim Planning Guidance - 'Householder Design Guide'. This has been subject to public consultation and adopted by the Council June 2020 and replaces the adopted Supplementary Planning Guidance 'Housing Guidance 1 – Householder development' of the UDP.

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 individual neighbour notification letters to adjacent properties]. No letters of representation have been received.

Consultations

No consultations were made.

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:

Design and Appearance
Impact on neighbouring properties.

Design and Appearance

Visual impact on host property and the locality:

In assessing the proposed design of the extension, Core Strategy CS28 'Sustainable Design' requires that development proposals should be

responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.

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

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

Supplementary Planning Document: Householder Design Guide (adopted 26 June 2020) provides information to households wishing to alter or extend their property.

The NPPF notes at paragraph 124 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 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 NPPG also advises that permission should be refused for development of poor design.

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

The size and design of the proposed extension is in proportion with the host property, it is only to extend out by 4m and have a height of 3.7m which allows the host property to remain dominant. The proposed extension is to have a pitched roof which will match that of the existing dwelling.

Although the extension will not be built in materials to match the host property, the proposed extension will not be visible in the streetscene and will therefore not look alien or cause any loss of character to the neighbouring properties or that of the host property.

Impact on the neighbouring properties

The Council's Householder Design Guidance, June 2020, states "Single storey rear extensions on or close to the boundary, should project no more than 4m from a neighbouring properties existing rear elevation".

The proposal was to originally planned to 'fill in' to the side of the existing rear off shot and included a projection of 8.5m, it was also to extend by 5m from the rear of the off shot. However, it was not to extend the full width of the rear of the house.

Officers have worked with the applicant during the course of the application to seek to achieve a scheme which does not impact in an unacceptable manner on the attached neighbouring property. The proposal was amended to reduce the projection of the extension and it now projects 4m directly adjacent to the boundary with the attached property, the extension is then stepped in by 0.45m and projects a further 1.40m before stepping in again by 1.75m and then projecting out a further 2.30m. With the extension slightly stepped in, this will lessen any overbearing effect on the adjoining neighbour and their outlook.

The Householder Supplementary Planning Guidance refers to extension on and close to a boundary and as such it is acknowledged that the extension does not comply with the policy as the further 'stepped in' projection extends beyond the 4 metres. Notwithstanding that, the window to the neighbouring property on the boundary appears to light a room which is dual aspect as there is also a window in the front elevation. Furthermore, it should be noted that under an extension of 6 metres can be allowed under Permitted Development (subject to no objections being received). Whilst this extension could not be constructed under the larger homes extension scheme (due to the original two storey rear projection), if the rear elevation did not have that two storey off shot, the extension could be constructed under that legislation as there are no objections to the scheme and the impact would be very similar. It is also noted that the reason for including the additional 'corner' of the extension is to allow for access into the ground floor bathroom which can accommodate wheelchair manoeuvres. Other alternatives have been explored with the application/agent for the application and it is not possible to construct the extension on the opposite side of the dwelling due to required vehicular access to an existing garage. Taking account of all of the above it is considered that whilst the proposal does not comply with the Supplementary Planning Guidance in respect of having a projection of over 4 metres, it is not considered that there would be a significantly detrimental impact due to the dual aspect nature of the room and the fact that the projection beyond 4 metres is set in slightly from the boundary to help to alleviate the impact. It is also noted that the proposal is to create accessible ground floor accommodation to meet the needs of the occupier which has been taken into account.

With the window facing the neighbouring boundary being of obscure glaze there will be no loss of privacy to both parties. Overall, it is considered that the proposed extension is acceptable.

Conclusion

The proposal is considered to be acceptable and whilst it does not comply with the Householder Design Guidance in relation to the projection of the extension, in terms of its design and position it will not cause any unacceptable harm to the occupiers of the neighbouring properties.

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

Reason

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

03

The window on the elevation facing No.370 Bawtry 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.

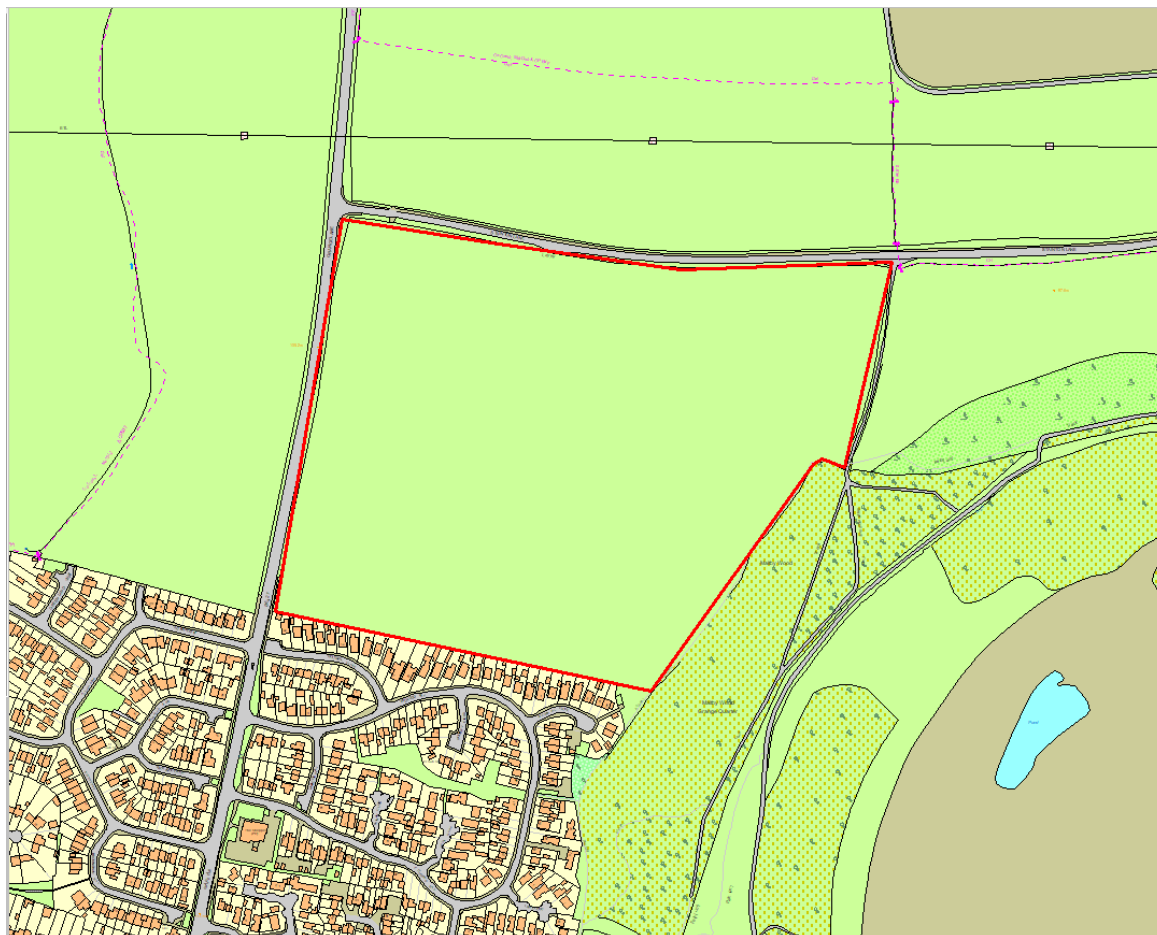
Reason

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

POSITIVE AND PROACTIVE STATEMENT

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

| | |
|------------------------------|--|
| Application Number | RB2020/1815 https://rotherham.planportal.co.uk/?id=RB2020/1815 |
| Proposal and Location | Application to vary condition 2 (approved plans), 03 (materials), 04 (boundary treatment) imposed by RB2016/1492 at land east of Grange Lane Maltby |
| Recommendation | Grant Conditionally subject to the signing of a letter confirming the agreement to substitute the revised plans relating to this application in respect of the signed S106 Agreement |



This application is being presented to Planning Board due to the number of representations

Site Description & Location

The application site is a parcel of agricultural land which is located to the west of Grange Lane, south of Stainton Lane, and to the west of Maltby Wood. Grange Quarter, part of Maltby Commons & Woods, abuts the eastern part of the application site and is Ancient Woodland and an identified Local Wildlife Site.

The site adjoins existing residential properties to the south on Holiwell Close, Malwood Way and Springwell Close. There are agricultural fields beyond the site to the west and north.

The site is approximately 15.6 hectares in area, it is generally flat and has existing hedgerows along the boundaries.

Public Footpaths Maltby No.2 and No.18 converge and run along the eastern boundary of the site, which link up to footpaths in the Doncaster Borough to the north and Maltby Woods to the south.

There are existing bus stops adjacent to the site on Grange Lane.

Background

Relevant Planning History

RB2016/1492 - Hybrid application for Full Permission for the erection of 100 No. dwellinghouses including access road, landscaping, entrance feature & open space, and temporary pumping station equipment (Phase 1) and Outline Permission for the erection of up to 300 No. dwellinghouses including landscaping & open space incorporating balancing pond facility with all matters reserved (Phases 2, 3 and 4) – granted conditionally on 05-08-2020 with a S106 Legal agreement which secured the following –

- 25% on overall site affordable housing provision
- A contribution towards Bus Stop improvements of £15,000
- Commuted sum of £500 per dwelling towards sustainable transport measures
- Establishment of a Management Company to manage and maintain the areas of Greenspace, including the proposed LEAP/LAP.
- Education contributions (£2,521 per open market dwelling)
- Contribution towards MOVA system (Microprocessor Optimised Vehicle Actuation) to control the signals at Queens Crossroads of £75,000

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

The proposed development falls within the description contained at Paragraph

10 (b) of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 2017 and meets the criteria set out in column 2 of the table in Schedule 2 i.e. the number of dwellings proposed exceeds 150. However, the Borough Council as the relevant Local Planning Authority has taken into account the criteria set out in Schedule 3 to the Regulations and it is considered that the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size and location.

Proposal

The application seeks amendments to approved application RB2016/1492 under S73 of the Town and Country Planning Act to amend the approved plans in relation to the full application element of the overall hybrid application for 100 dwellings which show amendments to the following:

- Changes to the layout
- Changes to house types and materials proposed

The developer has stated that the changes have been brought about through a review of the changes to the Help to Buy Scheme that are due to come into effect in April 2021 and the delays starting the development due to various reasons.

The number of plots remains at 100 as previously approved however this scheme proposes 4 more three bed properties, 1 more four bed property and 6 less five bed properties than previously approved. Additionally, the previous scheme had 21 semi detached/terrace properties whilst this proposal now has 41.

The changes to the house types result in changes to the layout and the boundary treatment plans previously approved however these are relatively minor changes which are required to accommodate the above changes.

In respect of the minor changes to the house types proposed, the originally approved scheme had 13 different house types whilst this proposal includes 11 house types. Whilst all the house types have not been replaced some of the elevational features have been altered as the applicants have undertaken a review of their standard house types since the original permission was granted.

An amended materials plan has also been submitted which shows an amendment to one of the four previously approved brick colours, and also shows the materials being mixed up throughout the development whereas the approved materials plan showed groups of certain materials around the site.

Development Plan Allocation and Policy

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

Document which was adopted on 27th June 2018.

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

Local Plan Policies
CS28 Sustainable Design
SP55 Design Principles
SP61 Telecommunications

Supplementary Planning Document No. 2 Air Quality and Emissions adopted June 2020

Supplementary Planning Document No. 5 Equal and Healthy Communities

Other Material Considerations

National Planning Practice Guidance (NPPG)

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

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

The application has also been assessed against the requirements of the:

South Yorkshire Residential Design Guide.

Manual for Streets
Council's Car Parking Standards

Publicity

The application has been advertised by way of press and site notice along with individual letters to 81 neighbours and people who commented on the initial application. 5 letters of objection have been received from local residents as well as one from both Tickhill Town Council and Braithwell and Micklebring Parish Council.

The 6 local residents raise the following comments:-

- Loss of countryside
- Increased traffic through Braithwell Village
- No need for additional private housing in Maltby, only social housing
- Burden on schools and doctors which are already full

Tickhill Town Council object on the following grounds:-

- Issues regarding drainage and flooding which impact Tickhill

Braithwell and Micklebring Parish Council object on the following grounds:-

- Issues regarding drainage and flooding which impact Braithwell
- Adverse highway impact on Braithwell and Micklebring

3 requests to Speak at the Planning Board meeting have been received.

Consultations

RMBC - Transportation and Highways Design: Confirm that the proposed revisions are acceptable in a highway context.

RMBC - Landscape Design: Raise no objections to the proposed amendments.

RMBC – Drainage: Raise no objections to the proposed amendments.

RMBC - Affordable Housing Officer: Raise no objections to the proposed amendments.

RMBC – Ecologist: Raise no objections to the proposed amendments.

RMBC - Environmental Health: Raise no objections to the proposed amendments.

South Yorkshire Archaeological Service: Raise no objections to the proposed amendments.

Sheffield Area Geology Trust – Raise no objections to the proposed amendments

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.

Planning permission for hybrid application for Full Permission for the erection of 100 No. dwellinghouses including access road, landscaping, entrance feature & open space, and temporary pumping station equipment (Phase 1) and Outline Permission for the erection of up to 300 No. dwellinghouses including landscaping & open space incorporating balancing pond facility with all matters reserved (Phases 2, 3 and 4) has been granted on 05-08-2020 and as such the principle of the development has been established.

The main issues to take into consideration in the determination of this Section 73 application are:-

- Design
- Highways
- Impact on existing/proposed residents
- Any other policy issues which have changed since the application has been determined
- Issues raised by objectors
- Planning Obligations

Design

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

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

The 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 amended plans are for the same number of units as previously approved, although some of the house types have been amended which has resulted in minor alterations to the layout

In this regards it is considered that the amended house types would offer a wider range of homes than previously approved due to the introduction of more semi-detached properties, and the changes to the elevational treatments are considered to be appropriate as demonstrated in the new streetscene plans that have been submitted which show the proposed house types in context. The palette of materials has also been amended slightly, however this is also still in keeping with the locality and therefore considered acceptable.

In terms of changes to boundary treatment these are minor to reflect the changes to the layout as a result of amended house types and as such is considered acceptable.

Highways issues

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

a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.

g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.

This Section 73 application does not seek to make any amendments to the proposed access into the site from Grange Lane, nor does it result in the introduction of additional trips as the proposed number of dwellings is the same as the original application.

Some of the house type changes have caused slight amendments to the internal layout of the proposed development. The Transportation Officer has assessed the amendments and has no objection.

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 southern boundary of the application site. In terms of the amenity of nearby residents, the site adjoins the rear gardens of existing residential properties on Holiwell Close, Malwood Way and Springwell Close, many of which are bungalows.

The revised proposals demonstrate that the dwellings proposed to be located along the southern boundary 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.

In the south western corner of the application site a property is proposed to be sideways onto the existing property on Holiwell Close, as proposed for this plot under the previous permission, though is a different house type. The applicants have submitted a section through this plot showing the 25 degree rule line. This shows that the dwelling is located slightly closer to the existing property than previously approved, however the proposed dwelling has a hipped roof and the plan demonstrates that the 25 degree line clears the roof and there is still approximately 14.5m separation distance and, therefore an appropriate level of residential amenity is maintained for the existing residents. For this reason, the amended proposal is not considered to significantly adversely impact on the privacy of existing residents, being compliant with spacing standards, nor are they considered to be overdominant.

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. All the dwellings on the amended layout achieve the minimum garden size

and separation distances laid out in the SYRDG.

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

Any other policy issues which have changed since the original application was determined

Since the original application was considered, Supplementary Planning Document No. 5 Equal and Healthy Communities has been adopted and this requires that a Health and Equalities Checklist is submitted for consideration which assists in demonstrating how health and wellbeing and equality considerations can be considered. The applicants have submitted this however it can be seen that many of the requirements relate to issues considered in the original application and do not relate to the amendments sought in this application.

Also Supplementary Planning Document No. 2 Air Quality and Emissions has been adopted which requires the provision of a minimum of 1 electric vehicle charging point per dwelling. A condition was attached to the original permission requiring the submission of details of electric vehicle charging points, and it is recommended that this is now amended to state for each dwelling.

Policy SP61 'Telecommunications' states that: "The Council supports and encourages the expansion of electronic communications networks, including telecommunications and high speed broadband."

In this respect now the four South Yorkshire Authorities have committed to ensuring that relevant developments are provided with Gigabit-capable full fibre broadband. A condition is recommended that would address this matter.

Issues raised by objectors

Objections have been received on the grounds loss of countryside; increased traffic through Braithwell Village and Micklebring; no need for additional private housing in Maltby, only social housing; burden on schools, doctors which are already full; and issues regarding drainage and flooding which impact Tickhill and Braithwell.

All of the above issues were fully assessed at the original planning application stage, and the amendments sought in this application do not alter these issues, which have previously been considered acceptable in relation to this site with the imposition of conditions or provisions within the S106 legal agreement.

None of the issues raise any material planning consideration in relation to the matters to be assessed in this application.

Planning Obligations

A S106 Agreement was signed in relation to the original permission and the provisions within this, as listed below, are also relevant to this amended application -

- 25% provision of on site affordable housing.
- A contribution of £15,000 towards Bus Stop improvements
- Commuted sum of £500 per dwelling towards sustainable transport measures
- Establishment of a Management Company to manage and maintain the areas of Greenspace, including the proposed LEAP, LEP and buffers.
- Education contributions (£2,521 per open market dwelling)
- Contribution of £75,000 towards MOVA system (Microprocessor Optimised Vehicle Actuation) to control the signals at Queens Crossroads.

As this is a S73 application this issue is to be dealt with by way of Solicitors letter which updates the deeds to refer to the amended plans in this application.

Conclusion

Planning permission for the hybrid application, consisting of the Full Permission for the erection of 100 No. dwellinghouses (Phase 1) and Outline Permission for the erection of up to 300 No. dwellinghouses (Phases 2, 3 and 4) has been granted, and as such the principle of the development has been established.

The amended scheme relates to the Full Permission element and is acceptable in terms of the design, highway safety and residential amenity for existing and proposed residents. All other matters were assessed as part of the original application such as the provision of open space, drainage and flood risk, ecology, landscaping and trees, general amenity, heritage issues and affordable housing and these matters are not impacted by the proposed amendments.

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 updated S106 deed of variation to include the amended plan references, and to the following conditions.

Conditions

Conditions relating to Phase 1 – Full Planning Permission

Article 35 of the Development Management Procedure Order 2015 requires that, where planning permission is granted subject to conditions, the decision notice must state clearly and precisely the full reasons: (i) for each planning condition; and (ii) in the case of each pre-commencement condition, for the condition being a pre-commencement condition. The reasons for each condition are provided below. Conditions numbered 6, 10 and 24 of the full permission are pre-commencement conditions (since they require matters to be approved before development works begin). These are justified as being pre-commencement conditions because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 6, 10 and 24 of the full permission 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 the original permission which was 05-08-2020.

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)

2557-PL01 Site Location Plan (Phase 1) Rev B

JHY-1102-200 Site Layout Rev D

2557-PL09 Building height parameter plan Rev A

2557-SK14 Indicative Layout to the north-east of Phase 1

JHY-1102-SS(A) - Street Scene A

JHY-1102-SS(B) - Street Scene B

JHY-1102-203 – Materials Layout

JHY-1102-202 - Boundaries Treatment Plan

JHY-1102-299 – 25 degree line between 18 Holliwell Close and plot 20

Pumping Station Control Panel Kiosk and Storage Kiosk 28161/GA/0010

Rev A01

Pumping Station Site Compound 28161/SL/0020 Rev A01

Surface Water Routing Plan 10064-SK03 Rev F

House Type Plans

2557-PL232 Prop. elev. and floor plans-Garages Rev A

JHY-1102-ELCP-01B – Chelsea, Chester, Winchester, house types

JHY-1102-ELCP-02B – Chelsea, Chester, Winchester house types

JHY-1102-ELCP-03A – Birch house type

JHY-1102-ELCP-05B – Banbury house type

JHY-1102-ELCP-06B – Bayswater house type

JHY-1102-ELCP-07B – Bentley house type

JHY-1102-ELCP-08A – Barbridge house type

JHY-1102-ELCP-09B – Stratton II house type

JHY-1102-ELCP-10 – Baycliffe ‘A’ house type

JHY-1102-ELCP-11 – Baycliffe ‘B’ house type

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 Material Layout JHY-1102-203. Prior to the commencement of any overground development samples of the materials shall be submitted to 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 Boundaries Treatment Plan JHY-1102-202. The approved boundary treatment shall be implemented prior to the occupation of each dwelling.

Reason

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

05

Details of the proposed entrance features shall be submitted to and approved by the Local Planning Authority prior to its construction and the approved details shall be implemented.

Reason

In the interests of visual amenity.

Transportation/Sustainability

06

Prior to the commencement of the development, details of the proposed works shown in draft form on Drg No 8052-002 Rev B to Grange Lane / Stainton Lane which include the provision of a gateway scheme, footway / cycleway on the site frontage, footway improvements to the bus stop opposite, street lighting, lining, pedestrian refuge, signage and speed reduction scheme shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development.

Reason

In the interest of highway safety.

07

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

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

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

Reason

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

08

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

Reason

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

09

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.

10

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

- details of vehicular routing
- traffic management measures during the construction work;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of any storage on site
- details of loading/unloading of materials/plant;
- details of car parking facilities for the construction staff;
- details of proposed hours of construction on/deliveries to the site;
- details of any lighting;
- details of the quality of soil and its movement and temporary storage during construction and such further matters as the Local Planning Authority may consider necessary.

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

11

Details of electric vehicle charging points for each 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

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

Contaminated Land

12

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 the approved details.

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

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

Reason

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

Ecology

14

No direct access shall be created from the rear boundary of the residential plots into the buffer planting area to the south of the site, and the buffer planting area shall be gated at either end.

Reason

To prevent unauthorised access in the interests of general amenity.

15

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 prior to first occupation within the development.

Reason

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

Landscaping and Trees

16

Landscaping for buffers and plots for Phase 1 of the site as shown on the approved landscape plan (Weddle Landscape Design drawing no. 587/GLM09 Revision A & 587/GLM11 Revision A and approved phasing plan

BE1 Architects Ltd drawing no. 2557 /SK13 Revision C) shall be carried out during the first available planting season after first occupation of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

17

Landscaping to public open space areas for Phase 1 of the site as shown on the approved landscape plan (Weddle Landscape Design drawing no. 587/GLM10 Revision A) shall be carried out during the first available planting season after occupation of the 75th dwelling. 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 NPPF and the Development Plan.

Play Area

18

Details of the proposed LEAP shall be submitted to and approved in writing by the Local Planning Authority. The detail shall include the following –

- a minimum of 6 items of play equipment
- boundary treatment
- seating
- litter bins
- signage

The approved LEAP details shall be provided on site prior to the occupation of the 75th dwelling.

Reason

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

Levels

19

Prior to the commencement of any above ground development details of the finished floor levels of the approved properties 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

20

Prior to the commencement of construction of roads or dwellings a foul and surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

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

Reason

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

21

Prior to the commencement of construction of roads or dwellings a flood route drawing for the site showing how exceptional flows generated within or from outside the site will be managed including overland flow routes, internal and external levels and design of buildings to prevent entry of water, shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the development.

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.

22

On the completion of the 75th dwelling, a timetable for the removal of the temporary pumping station facility, including associated equipment/kiosks and any boundary treatment, shall be submitted to and approved in writing by the Local Planning Authority. The removal shall take place in accordance with the approved timetable.

Reason

In the interest of visual amenity in accordance with the NPPF and the Development Plan.

Noise

23

The recommended mitigation measures included in chapter 7.0 and 8.0 of the Noise Report dated November 2016 shall be implemented before each dwelling is occupied and thereafter retained/maintained.

Reason

In the interest of residential amenity of the future occupiers of the dwellings.

Archaeology

24

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

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

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

Reason

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their

nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

Telecommunication

25

Details of measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason for Condition:

In accordance with Local Plan Policy SP61 'Telecommunications' and Chapter 10 of the NPPF

Conditions relating to Phases 2, 3 and 4 – Outline Planning Permission

General

01

a. Application for approval of reserved matters must be made within the following time periods (respectively):

Phase 2 – 3 years

Phase 3 – 4 years

Phase 4 – 5 years

of the date of the original permission which was 05-08-20

b. The development hereby approved must be begun not later than whichever is the later of the following dates:

I. The expiration of five years from the date of the original permission which was 05-08-20; OR

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

Reason

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

02

Before the commencement of the development within each Phase, details of the layout, scale, appearance, access and landscaping of the site shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority.

03

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)

2557-SK21 Site Location Plan (Wider Site)

2557-PL02 Indicative Masterplan Rev L

2557-SK23 Managed Areas Plan B

2557-PL04 Constraints & Opportunities

2557-PL05 Access & movement parameter plan Rev B

2557-PL06 Open space & Green amenities parameter plan Rev A

Reason

To define the permission and for the avoidance of doubt.

04

The development shall be carried out in accordance with the approved Indicative Phasing Plan 2557-SK13 Rev C.

Reason

To ensure the implementation of a phased scheme of development.

05

Reserved matters applications for each phase shall include the following information:-

- Noise Assessment Report
- Boundary Treatment Plan
- Construction Management Plan
- Ecology Report
- Design and Access Statement
- Building Height Parameter Plan
- Details of public open space and play areas
- Travel Plan
- Materials schedule
- Management Plan to show areas to be maintained by Management Company

Reason

To ensure a consistent and co-ordinated design approach, in the interests of the satisfactory function and appearance of the development.

06

Reserved matters application for Phase 4 shall include Vehicle Intervention measures at the point where the Maltby Public Footpath No.2 leaves the application site becoming Maltby Public Footpath No18.

Reason

In the interest of amenity of future residents of the site.

Transport

07

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

08

Details of electric vehicle charging points for each 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

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

Drainage

09

Prior to the commencement of construction of roads or dwellings in each Phase of the development a foul and surface water drainage scheme for that Phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before each phase of the development is completed. The scheme to be submitted shall demonstrate:

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

Reason

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

10

Prior to the commencement of construction of roads or dwellings in each Phase of the development a flood route drawing for that Phase showing how exceptional flows generated within or from outside the site will be managed including overland flow routes, internal and external levels and design of buildings to prevent entry of water, shall be submitted to and approved by the Local Planning Authority and each Phase of 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.

11

Prior to its construction, details of the relocated pumping station facility, including associated equipment/kiosks and its boundary treatment, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site.

Reason

In the interest of visual amenity in accordance with the NPPF and the Development Plan.

Landscaping

12

All applications for the approval of reserved matters for subsequent Phases of development shall have regard to the landscape masterplan (Weddle Landscape Design drawing no. 587/GLM08 Revision K) and where not detailed in the masterplan shall include a detailed planting plan for landscape buffers, public open space and plot landscaping. Such plans shall be prepared to a minimum scale of 1:200 and shall clearly describe:

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

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

Local Planning Authority.

Reason

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

Land Contamination

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.

Reasons

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

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

Reasons

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

15

A buffer area with a minimum width of 15m shall be provided along the eastern boundary, and a 5m wide buffer shall be provided along the southern boundary of the application site, and they shall be retained in perpetuity.

Reason

To provide a buffer between the built development and the wood in interests

of ecology, and between the built development and existing houses in the interest of amenity.

16

Details of fencing along the eastern boundary of the site adjacent to the wood shall be submitted for approval of the Local Planning Authority, along with a timetable for its implementation. The approved fencing shall be erected in accordance with the approved timescale.

Reason

To limit access points in to the woods in the interest of ecology.

Archaeology

17

Prior to the submission of any reserved matters application, an archaeological evaluation of the application area will be undertaken in accordance with a Written Scheme Of Investigation that has been submitted to and approved in writing by the Local Planning Authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ will be approved in writing with the Local Planning Authority and then implemented.

Reason

To ensure that the site is archaeologically evaluated in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters and to comply with policies SP 42 and SP 43 of the Rotherham Local Plan.

Telecommunication

18

Details of measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason for Condition:

In accordance with Local Plan Policy SP61 'Telecommunications' and Chapter 10 of 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

Wildlife Legislation

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

03

Lighting

Wildlife friendly lighting should be used where possible. This should follow the Bat Conservation Trust's 'Bats and lighting' and other more recent guidance which is available from the BCT, South Yorkshire Bat Group or RMBC.

04

Nesting bird

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

05

Badgers

There was no evidence or characteristic signs of badger or their setts within the site or immediately surrounding the site. Due to their potential presence within the wider area, highly mobile nature of the species and readiness of which they can establish setts it is recommended that precautionary pre-commencement development checks are undertaken. The site and an area of 30m around the site will be surveyed for the possible presence of badger setts immediately prior to commencement of construction.

06

Severn Trent

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.

07

You should note that the Council's Neighborhood Enforcement Team have a legal duty to investigate any complaints about noise or dust which may arise

during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in the Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

08

Landscape Management Plan.

This may be expected to set out, graphically and / or in writing, the overall functional and aesthetic objectives of a landscape scheme and the steps such as legal arrangements including ownership and management responsibilities, planned maintenance tasks, phased works, and monitoring procedures that will be taken after implementation to ensure that the scheme establishes successfully and is sustainable in the long-term.

09

Archaeological fieldwork directive.

This directive is appropriate where there is a need to emphasise pre-application or pre-commencement requirements. Particular circumstances may include sites where significant groundworks are required prior to development construction or, as here, where pre-application investigation is required.

Directive

"The applicant is advised that agreement "in principle" of a Written Scheme of Investigation (WSI) with South Yorkshire Archaeology Service does not preclude the need to formally submit the agreed WSI to the LPA, under condition number 18 of the outline permission. Undertaking any site works before this has been done - and the WSI approved in writing by the planning case officer - may result in formal enforcement action."

10

Traffic Regulation Order - The applicant would need to enter into separate discussions with the Council's Transport Unit in relation to the proposed change in speed limit on Grange Lane.

11

The site layout shall be designed in accordance with guidance from the South Yorkshire Residential Design Guide and Manual for Streets, and on site car parking shall comply with the Council's Car Parking Standards

12

Broadband provision

Please see the attached note from Superfast South Yorkshire regarding the Broadband provision

POSITIVE AND PROACTIVE STATEMENT

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