

PLANNING REGULATORY BOARD

Date:- Thursday 29 April 2021 Venue:- Virtual Meeting
Time:- 9.00 a.m.

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

AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 4)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 8th April, 2021 (Pages 5 - 6)
6. Deferments/Site Visits (information attached) (Pages 7 - 8)
7. Development Proposals (Pages 9 - 107)
8. Updates
9. Date of next meeting - Thursday, 20th May, 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

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
8th April, 2021

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

An apology for absence was received from Councillor D. Cutts.

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

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

168. EXCLUSION OF THE PRESS AND PUBLIC

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

169. MATTERS OF URGENCY

There were no matters of urgency for consideration.

170. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

171. MINUTES OF THE PREVIOUS MEETING

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 18th March, 2021, be approved as a correct record of the meeting.

172. DEFERMENTS/SITE VISITS

There were no site visits nor deferments recommended.

173. DEVELOPMENT PROPOSALS

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

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

- Outline application for the demolition of existing bungalow and erection of 6 No. dwellinghouses with all matters reserved at 13 Quarry Lane, North Anston for Mr. K. Littlewood (RB2020/1783)

Mr. K. Littlewood (Applicant)
Mrs. D. Broad (Objector)
Mrs. D. Graham (Objector)
Councillor C. Jepson (Objector)

(2) That, application RB2020/1783 be granted for the reasons adopted by Members at the meeting, subject to the relevant conditions listed in the submitted report and an additional condition relating to the submission of a Construction Traffic Management Plan and an informative about surplus materials being reused within the site.

(3) That, with regards to application RB2021/0060:-

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

- Financial contribution of £500 per dwelling towards sustainable travel measures to support the development
- Affordable Housing in line with policy CS7 'Housing Mix and Affordability' (25% of final units to be affordable)
- Financial contribution of £2,369 towards improvement to bus stop 35841 controlled by South Yorkshire Passenger Transport Executive to support the development.
- Financial contribution of £750 towards the installation of a kissing gate on adjacent footpath (Dinnington Footpath No. 13)
- Financial contribution of £390.69 per dwelling in respect of the installation of equipped play on the adjacent green space (Swinston Hill Recreation Ground) and £2,450 towards ongoing maintenance costs.
- Establishment of a Management Company to manage and maintain the areas of Greenspace on site.

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

174. UPDATES

There were no updates to report.

175. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 29th April, 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 29TH APRIL 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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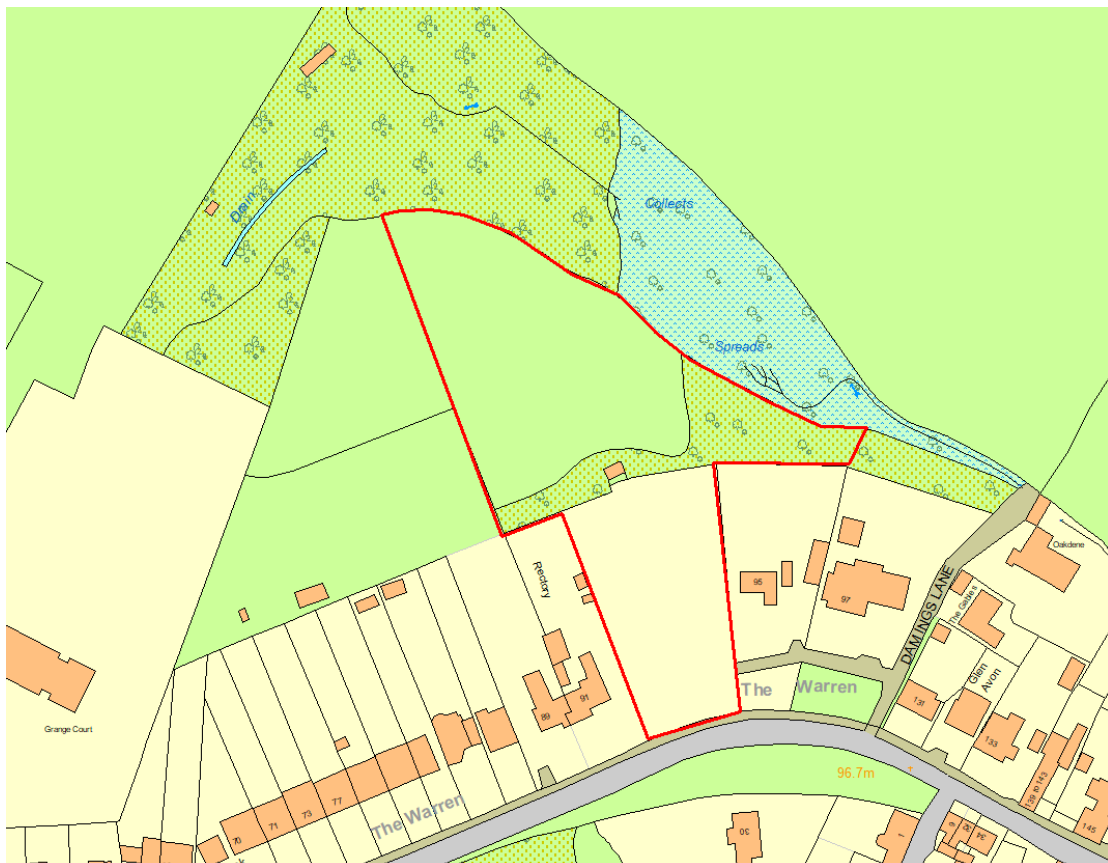
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**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 29TH APRIL 2021**

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	RB2019/0061 https://rotherham.planportal.co.uk/?id=RB2019/0061
Proposal and Location	Erection of 7 No. dwellinghouses with associated access & landscaping, land rear of 91-95 Worksop Road, Aston
Recommendation	<p>A That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • a commuted sum of £70,000 towards affordable housing in the area. • Establishment of a Management Company to manage and maintain all communal landscaped/open space areas and woodland buffer zone as shown on the Proposed Layout Plan. <p>B Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>

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



Site Description & Location

The site is located to the east of Aston village on Worksop Road which serves as a main route from the centre of the village to the M1 motorway. The northern and part eastern boundaries are defined by a landscaping buffer of mature hedges and woodland, which are within a Local Wildlife Site (Foers Wood), and the woodland is also covered by TPO No. 13, 1975. To the west is an open field that forms further potential development land and is located to the rear of residential properties at 69-89 Worksop Road. The site is located within the designated Aston Conservation Area and has an overall site area of approximately 0.85 hectares.

Background

RB2000/1275 - Residential development (22 dwellings) – REFUSED

01

The Council considers that the development of the site would conflict with Planning Policy Guidance Note No.3 (Housing) in relation to its ranking in terms of the requirements of sustainability, the sequential test and greenfield assessment. In the light of the above, the site should not be developed while more appropriately located sites, and in particular brownfield sites, remain undeveloped.

02

The Council considers that the proposed development would be likely to cause material harm to the ecological interest of the woodland area to the north of the site by virtue of the works required to provide surface water drainage from the site and by the effect of such waters upon the natural drainage of the area.

RB2000/1276 - Residential development - TREATED AS WITHDRAWN

RB2004/2064 - Application to fell 4 silver birch trees protected by RMBC Tree Preservation Order No 13 1975 - GRANTED

RB2013/1508 - Erection of 16 No. dwellings & associated works – REFUSED
24/06/16.

01

The proposal, if implemented, would generate additional pedestrian traffic along this part of the B6067 Worksop Road, where there is no footway on the southern side and a footway of substandard width on the northern side, such that safe and suitable access to the site cannot be achieved by all people, contrary to paragraph 32 of the National Planning Policy Framework

02

The Council considers that insufficient information has been submitted to understand the implications of the development on the hydrology of the site, and how it impacts on the adjacent Foers Wood Local Wildlife Site, contrary to

Unitary Development Plan Policy ENV2.2 'Interest outside Statutorily Protected Sites' and paragraphs 117 and 118 of the National Planning Policy Framework.

03

The Council further considers that the proposed development would have an adverse impact on ecology adjacent to the site, and in particular at the western end where no 'buffer' zone between the development and the boundary of the site is provided, contrary to Unitary Development Plan Policy ENV2.2 'Interest outside Statutorily Protected Sites' and paragraphs 117 and 118 of the National Planning Policy Framework.

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 out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and is not within a 'sensitive area' (such as a Site of Special Scientific Interest).

Proposal

The application seeks full planning permission for 7 detached dwellinghouses, 5 of which would be five bed, two storey houses with rooms in the roofspace, and 2 of which would be 3 bed single storey dwellings with rooms in the roofspace. Three of the dwellings would have attached double garages and four would have detached double garages. The development will be accessed off the Worksop Road via a new road between 91 and 95 Worksop Road and include an access link to the land to the west. The formation of the new vehicular access onto Worksop Road will require some 20m of stone walling to be demolished with new walling built adjacent to the new entrance road.

The site area, excluding buffer zone provision, is approximately 0.59 hectares.

An underground pumping station is proposed at the northern end of the site.

The dwellings are designed in an Arts and Craft style using brick and render to reflect the interwar character of this area of the Aston Conservation Area. Following Officer's advice the layout has been amended to retain mature trees and to add chimneys to the dwellings to add traditional character.

The following supporting documents have been submitted:

Planning Statement

- It is considered that a residential development on this site and in this location is acceptable in principle and would represent sustainable development. It is also argued that the proposed development would contribute to the wider area through the development of a designated housing site that has remained vacant for a number of years.
- The proposals address the previous reasons for refusal by reducing the scale of the development and maintaining a 15 metre wide buffer to the north thus protecting the adjacent Local Wildlife Site.

Transportation Statement

- The residential development will include 7 dwellings and the site will be irregular in shape. The site is bounded by Worksop Road to the south, with existing residential units to the immediate south east and south west and a mix of open land to the north.
- The application site is located off the north kerbline of Worksop Lane on the outskirts of the village of Swallownest in Rotherham and is ideally located for access to the main highway network with the A57/ M1 main road located approximately 600 metres to the east.
- The planning site area is approximately 1.54 Hectares (Ha). The site appears to be relatively flat, in terms of topography.
- The visibility splays have already been agreed with RMBC as part of a previous application.
- The accident records do not indicate any highway safety issues with this development.
- This report has demonstrated the numbers of trips generated by the new development will have a very limited effect on the highway network.

Flood Risk Assessment

- As the site falls within Flood Zone 1, (less than 0.1% chance of flooding in any year), flood mitigation measures are required for groundwater flooding within the north of the site and in the event of a catastrophic storm or blockage of the existing or proposed sewers. Precautionary mitigation measures are, therefore, recommended.
- A 30% increase in rainfall shall be incorporated into any new positive drainage system to satisfy the requirements of climate change.
- Foul water domestic waste should discharge to the 300mm diameter public foul/combined sewer recorded crossing the site.
- Sustainable drainage systems of infiltration techniques are considered to be unsuitable on this particular site. In accordance to the Sustainable urban Drainage Hierarchy, discharge to watercourse should be the next option.
- Surface water drainage shall discharge to the watercourse located to the north of the site at a restricted discharge rate of 4.4l/s. The visual

assessment of the downstream watercourse shows that the condition is satisfactory for this discharge.

- The proposed surface water drainage system shall be designed for an allowance of 30% for climate change and restricted to the agreed discharge rate for the appropriate attenuation incorporated into the design. A detailed design and supporting calculations shall be submitted to the Planning Authority for approval prior to construction on site.
- No special mitigation measures are required for emergency egress during times of flood.
- Subject to compliance with the above, the proposed development can satisfy the requirements of the National Planning Policy Framework and the Planning Practice Guidance in relation to flood risk.

Ecology Report

- A Preliminary Ecological Appraisal of the site has been carried out to establish whether there are any issues that may affect the proposed works.
- The initial site survey was carried out on 14th September 2018. Further surveys were recommended.
- Bat transect surveys were carried out on the site in May, June, July, August, September and October 2019.
- Great crested newt surveys were carried out of all ponds within 500m of the site where access permission was granted by the landowners. These surveys were carried out between 7th April 2020 and 30th April 2020.
- Reptile surveys were also carried out on the site between 24th April 2020 and 5th August 2020.
- As the initial PEA survey was carried out in 2018 a further PEA was carried out on the 15th September 2020 to update the initial report and to identify whether there were any changes on the site.

Tree Survey

Following Officer's advice the number of trees to be felled has been reduced, including the retention of a Cherry and Lime to the front of the site. The applicant's amended tree survey states that:

- The layout has been redesigned since the completion of the original arboricultural impact assessment (Ref 181110, dated 29th January 2020) in order to allow retention of the high value Lime tree T10 (and also the lower value Cherry tree T9).
- Now there are only low value trees to be removed as part of this proposal, the removal of these trees will have no significant impact on the amenity value of the local tree-scape.

- The tree protection plan shows all retained trees as being protected during development in accordance with BS5837:2012.
- In response to concerns raised by the Council's Arboricultural Officer, the impact of the proposed access on the root protection area of T10 has been calculated and assessed. The Arboricultural Officer has indicated that an incursion of up to 20% would be acceptable.
- The layout is such that retained trees are very unlikely to cause nuisance to the final users of this development. For example, new dwellings are located as far away from areas of shade cast by trees as is feasibly possible.

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 and is within the Aston Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy.

CS14 'Accessible Places and Managing Demand for Travel'
CS20 'Biodiversity and Geodiversity,'
CS21 'Landscapes'
CS23 'Valuing the Historic Environment'
CS25 'Dealing with Flood Risk'

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'

Other Material Considerations

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

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 and site notice as the site is within the Conservation Area and individual letters have been sent to neighbouring properties. The Council has received 16 letters of objection, including one from Sheffield and Rotherham Wildlife Trust, and one from the Aughton cum Aston Parish Council.

The objectors state that:

- The proposal would be detrimental to local wildlife, including bats, newts, rabbits, foxes, pheasant, frogs and birds.
- The site is prone to flooding and the proposal will exacerbate flooding issues on adjoining land including the adjacent woodland.
- The development is on an area of greenfield land.
- There is no provision for affordable housing only large detached units.
- Two applications have previously been refused on site.
- The site will have limited access to bus services should HS2 be implemented, cutting across the Worksop Road.
- The traffic surveys are out of date and underestimate the level of traffic.
- Impact of vehicle exhaust pollution upon the adjoining woodland and adjoining inhabitants.
- Impact of light pollution upon local residents and wildlife.
- Overlooking and the invasion of privacy from the new development.
- Impact upon trees in site, loss of tree coverage.
- Reduction in property prices.
- Inadequate Environmental Impact Assessments have taken place.

Sheffield and Rotherham Wildlife Trust states that:

- We are particularly concerned about potential impacts on the adjacent Foer's Wood Local Wildlife Site; a site which was designated as a LWS for meeting several of the Rotherham LWS criteria (ref: Site Assessment Report for Local Wildlife Site Designation, Estrada

Ecology, 2013) and which is kept in positive conservation management by its responsible owners Mr and Mrs Foer.

- The site is a wet woodland and therefore potentially sensitive to any hydrological changes in the nearby vicinity. The lack of understanding of the hydrology and the impact of any development on this hydrology was one of the reasons for refusal of the RB2013/1508 application and the applicant again has not put in the required work to understand the hydrological impacts on the nearby ecology. Mr and Mrs Foer commissioned JBA Consulting to review the hydrological issues and JBA concluded that the impact assessment on Foer's Wood is limited and flawed.
- In addition, both Freeths Solicitors (on behalf of a local resident) and JBA have stated that an Ecological Impact Assessment is required - the Preliminary Ecological Appraisal is inadequate and refers to outdated 2013 surveys.
- Foer's Wood is a relatively small LWS that supports a significantly high number of bat species for the Rotherham District: four species have been recorded roosting and six species have been recorded foraging (ref: Site Assessment Report for Local Wildlife Site Designation, Estrada Ecology, 2013); the number of bat species alone met the criteria for LWS designation. Foers Wood also supports great-crested newts; another European Protected Species. We agree with Freeths point that the applicant has not supplied sufficient up-to-date information on the bats or great-crested newts on or around the development site (including the implications of the development on Foers Wood) or demonstrated how these species will be protected from impacts.
- I am particularly concerned about the potential impacts of noise, lighting, domestic pets and again the hydrology on the protected species in Foer's Wood. Without repeating the entirety of Freeths objection letter - I can say that I support its contents and hope that the Council fully takes all these points into account when assessing the application. It is clear that at this point, insufficient information has been submitted and that this additional information is required before the officer can make any recommendations, including any conditions.

An objection by Freeths Solicitors on behalf of a Local Resident concludes that:

- It is unclear within the information that JBA have reviewed how the loss of the orchard, high value biodiversity resource, will be mitigated.
- Although the EclA report shows that additional surveys have been carried out in relation to bats, insufficient surveys have been carried out in relation to GCN (i.e. only one pond which lies within 500m of the application site has been surveyed). Furthermore, the EclA report provides poor assessment about the potential impacts of the proposed development upon bats and GCN which are present within the adjacent LWS, and how the impacts of the loss of habitat (including foraging /

resting / commuting habitat) within the application site may subsequently affect these resident populations within the LWS.

- The evidence used to rule out the appropriateness of infiltration SUDs is in our opinion very limited. The location of the infiltration test locations that concluded the groundwater “virtually impervious” has not been established and site investigation that was available for the 2016 application showed a significant proportion of sands and silty sand deposits. Additional characterisation of ground conditions is necessary in order to fully establish that SUDs solutions are not appropriate for the site.
- The use of an infiltration trench has been suggested to divert overland flow from the development site onto the LWS. There is currently limited information presented to demonstrate that this is an appropriate solution which will maintain the existing mix of habitats and maintain water quality.
- The understanding of the water supply mechanisms that support Foers Wood presented in the FRA is very limited and does not consider the role of groundwater in supporting the habitat conditions on the LWS. As a result, the assessments of impacts and the mitigation measures devised cannot be relied upon to correctly assess impacts or provide sufficient mitigation.
- The impact assessment carried out by JBA has identified a number of ways in which the development could change the water supply mechanism that support the woodland, and thus lead to the deterioration of the habitats within.

Aughton cum Aston Parish Council state:

- The development would result in an unacceptable high number of vehicle movements to and from Worksop Road, which would create unnecessary danger to local residents and adversely affect the residential amenity.
- Generate additional pedestrian traffic on Worksop Road where there is no footway on the southern side and a substandard footway on the northern side, resulting in road safety issues for pedestrians accessing the site and as such adversely affect the residential amenity.

Four objectors have requested the right to speak at Board, as well as the applicant.

Consultations

RMBC - Transportation Infrastructure Service: No objections to amended scheme showing appropriate highway visibility splays, subject to appropriate conditions.

RMBC - Tree Service Manager: No objections to amended arboricultural survey retaining additional trees and providing adequate protection for existing trees.

RMBC – Drainage: No objections subject to appropriate condition.

RMBC – Ecologist: Accepts the findings of the updated ecology report and recommends a number of relevant conditions.

Yorkshire Water: No objections

RMBC – Environmental Health: No objections subject to appropriate informative.

RMBC – Affordable Housing Officer: Agrees to a commuted sum of £70,000 for off site affordable housing provision.

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 and layout including impact upon the Aston Conservation Area
- Ecology/Biodiversity matters
- Tree Issues
- Flood risk and drainage
- Highways
- Residential amenity
- Affordable Housing
- Other matters raised

The principle of the development

The application site is located in an area identified as Residential Use in the Local Plan.

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 village of Aston, this part of the village is defined mainly by inter war ribbon residential development.

The site is located within a sustainable location within walking distance of a number of amenities and with access to a regular bus service. 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.

As such the scheme accords with Policy SP11 'Development in Residential Areas.'

Design, scale and appearance including impact on Aston 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."

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

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 Aston 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 site is located within Aston Conservation Area and the large detached dwellings have been designed to reflect the detached inter war properties fronting onto Worksop Road. Chimneys have been added to the Arts and Crafts style dwellings to create a high standard of development appropriate for its setting.

It is considered that the scheme has been sympathetically designed taking account of the characteristics and constraints of the site and the character of the surrounding area. Therefore the scheme is considered to be of an appropriate size, scale, form, design and siting that would ensure it would enhance the quality, character, distinctiveness and amenity value of the borough's landscapes and will be visually attractive in the surrounding area.

The scheme is not considered to harm the Conservation Area with only a small section of front walling to be removed to allow for the formation of the new vehicular access. Additional walling and tree planting is proposed to compensate for any impact and the area will retain its low density suburban character.

It is therefore considered that the proposal is in keeping with the style and character of the Conservation Area and as such would therefore continue to preserve and enhance the Conservation Area. As such the proposals accords with the guidance and policies referred to above.

Ecology/Biodiversity matters

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

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

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

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

- a. Protected species;
- b. Species of principal importance for the conservation of biodiversity;
- c. Species prioritised for action within the Rotherham Biodiversity Action Plan;
- d. Populations of species associated with statutorily protected sites.

Measures to mitigate and, or compensate for, any impact must be agreed prior to development commencing and should be in place by the time development is brought into use.”

The previous refusal for residential development on the site in 2016 included two reasons relating to ecology, being concerns that insufficient information had been submitted to understand the implications of the development on the hydrology of the site, and how it impacts on the adjacent Foers Wood Local Wildlife Site. In addition, there were concerns that the proposed development would have an adverse impact on ecology adjacent to the site, and in particular at the western end where no ‘buffer’ zone between the development and the boundary of the site was provided.

The application originally included a Preliminary Ecological Appraisal to assess the ecological constraints of the site and upon Foers Wood. A further ecological survey was undertaken primarily to assess the impact upon newts on the site. It is also noted that the scheme has been submitted with a 15m stand off distance to the Woods to prevent harm or disturbance to the Local Wildlife Site.

The impacts upon ecology are addressed below:

Impact on hedgerows

There are a number of sections of defunct hedgerow, mainly along the eastern side of the site around the adjacent gardens of numbers 95 and 97. These hedges are Leyland cypress (*Cupressocyparis leylandii*) with some sections cut and some unmanaged. At the western side of the site is a short section of Beech (*Fagus sylvatica*) hedge which has been cut down. These hedges are to be retained on site and a condition has been attached requiring their retention for the benefit of ecology.

Impact on bats

The Ecology report notes that some of the trees to be removed have shallow voids present, which bats may occasionally seek refuge within. The report also notes the presence of bats within the adjoining Foers Wood, Local Wildlife Site.

The report therefore makes a number of recommendations to mitigate any harm, including the consideration of bats during the clearing of the site, appropriate bat box provision within the new development and a sensitive lighting scheme to the dwellings backing onto the woodland. These issues have been conditioned as part of the approval.

Impact on newts and reptiles.

No great crested newts were found during the full great crested newt surveys carried out in relation to the site. Smooth newts were found in the pond adjacent to the site during these surveys. No reptiles were found during the reptile surveys carried out on the site.

There are, however, records of reptiles present to the north of the site and as such appropriate mitigation measures are recommended during the construction phase, which have been conditioned as part of the approval.

Impact on Badgers:

No badger setts or badger field signs were identified within the survey area. However, there are two records of badgers in the adjoining Foers Wood LWS.. If badgers do forage on the site, the 15m stand-off at the northern edge of the site will provide continued foraging for badgers. Therefore, it is assessed that there will be a minimal impact on badgers during the proposed works.

Impact on water voles:

The stream is outside the survey area so there is no habitat for water voles, otters or white clawed crayfish within the survey area.

Impact on the adjoining woodland

This is a large private mature woodland managed for wildlife adjacent to the site known as Foers Wood and is identified as a Local Wildlife Site. It is planned to leave a stand-off area of approximately 15m along the northern edge of the site between the proposed development and the adjacent LWS. The current application site is smaller than that refused in 2016, reducing the boundary length that runs adjacent to the Foers Wood, and removing development altogether adjacent to the western end where no 'buffer' zone had been provided under the previous refusal from 2016.

It is noted that concerns have been raised by objectors about the effect of groundwater changes to the woodland, some concerned about increase, some about decrease. The surface water scheme proposed incorporates attenuation pipes in the road which feed to a piped system around the woodland, discharging into the stream at the western end of the wood. This is a workable and acceptable scheme, though utilitarian and not an exemplar.

The effect of this on the total in-flows to the wood would be minimal as the existing watercourse flowing into the wood from the east is the main source of water to that area. The watercourse spreads then collects again downstream of the wood near the proposed site discharge point. In view of the marginal reduction in overall water flows into the wood it is not considered to result in any ecological harm. It is considered that it would be better if the water ran off

at a controlled rate directly into the wood but it is understood that the landowner of the wood will not allow that to occur.

Therefore, it is considered that there will be little or no impact on the Foers Wood LWS, although a sensitive lighting scheme should be designed so no light shines towards the LWS.

With the above circumstances in mind and subject to conditions the proposal would help minimise impacts on biodiversity and provide net gains for biodiversity. Accordingly, the scheme would be in compliance with paragraph 170 of the NPPF and Local Plan policies CS20 Biodiversity and Geodiversity'; SP33 'Conserving the Natural Environment' and SP35 'Protected and Priority Species'.

Tree issues

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

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

The proposed development is supported by an Arboricultural Report and Impact Assessment. The report includes details of 10 individual and 15 groups of trees. Following Officer's advice an additional mature Lime and Cherry tree have been retained to the front of the site. The contents of the amended report and its recommendations are noted and generally accepted by the Council's Tree Service Manager. Of the existing trees, those positioned towards the northern and eastern site boundaries provide useful amenity and screening that is likely to increase with the development.

According to the submitted details, some existing trees and shrubs will be removed to accommodate the development. The removal of trees and shrubs will result in a partial reduction of amenity and any associated benefits. However a landscape condition has been attached requiring additional landscaping to provide a good level of amenity and biodiversity gain in the future.

A number of conditions have been proposed to be attached to any approval in order to protect the trees during the construction phase.

Drainage

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

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

The site is within Flood Zone 1 (areas deemed to be in flood zone 1 have been shown to be at less than 0.1% chance of flooding in any year) and a flood risk assessment and drainage details have been submitted in support of the application.

In its current undeveloped condition, the soil will attenuate rainfall and release it slowly over several hours, and this is what a standard attenuation scheme is trying to replicate. Previous schemes have tried to replicate the runoff into the woodland more closely and exfiltrate surface water into the woodland. As noted above, the surface water scheme proposed incorporates attenuation pipes in the road which feed to a piped system around the woodland, discharging into the stream at the western end of the wood. The development would, therefore, divert the water falling on new impermeable surfaces around the woodland to discharge downstream of it, a net loss of water to the woodland however is calculated. However the change in the amounts of water draining to the woodland will be small and the impact on the woodland of these changes is discussed above.

Downstream of the discharge point there will be no significant effect on flood risk, upstream of this within the woodland, if anything it will be reduced, so the current proposals are acceptable to the Council from a drainage perspective.

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.”

The previous refusal for residential development on the site in 2016 included a reason relating to concerns that the proposed development would generate additional pedestrian traffic along this part of the B6067 Worksop Road, where there is no footway on the southern side and a footway of substandard width on the northern side, such that safe and suitable access to the site cannot be achieved by all people. This development is for only 7 dwellings, down from the previous 16, and as such the footway is considered adequate to accommodate the low level additional pedestrian traffic using the footway.

A number of objectors have raised concerns regarding the access onto Worksop Road and the potential impact upon highway safety. The proposed access to Worksop Road has been designed in accordance with guidance from Manual for Streets and the South Yorkshire Residential Design Guide and the Transportation Unit consider it acceptable in a highway context. All properties will have 2 or more car parking spaces, as well as garages, preventing awkward on street parking and allowing the highway to open for the free and safe flow of traffic.

The development is also located within a sustainable location, within walking distance of a bus stop, local pub and shops to the centre of Aston. As such the need for car bound journeys will be reduced. An objector has raised concerns that the new HS2 route may sever the bus route on Worksop Road. There is currently no final scheme for HS2 and the Worksop Road may be retained with a bridge link.

Finally a condition has been attached requiring electric car charging points for each dwelling. This will encourage more sustainable travel modes and accord with Supplementary Planning Document 2 Air Quality and Emissions and Policy CS30 ‘Low carbon & renewable energy generation’.

Objectors note that the traffic surveys are out of date, and whilst the survey was undertaken in 2012 its findings are still accepted as relevant, and furthermore due to the pandemic, surveys over the previous 12 months would not have provided accurate traffic figures.

General amenity issues

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

Local Plan policy CS27 ‘Community Health and Safety’ states: “Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.” Policy SP52 ‘Pollution Control’ states: “Development proposals that are likely to cause

pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity.

With regard to the impact of the dwellings once constructed on the occupants of existing properties that surround the site, it is noted that spacing distances between rear elevations of the proposed dwellings and both the rear boundaries and rear elevations of surrounding properties satisfy the requirements outlined within the South Yorkshire Residential Design Guide. There is at least 21 metres between principle elevations and at least 10 metres between principle elevations and rear boundaries. There are secondary windows in the side elevations of several of the proposed dwellings at first floor level and these are to be obscurely glazed where appropriate. Accordingly, the proposed dwellings would not give rise to any unacceptable overlooking or privacy issues.

In addition, the proposed dwellings would not appear overbearing or oppressive when viewed from neighbouring properties or from within adjacent private rear gardens due to the spacing distances, land levels and boundary treatments; and would not give rise to any overshadowing or a significant loss of direct sunlight and / or natural daylight.

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

Finally, objectors raise concerns in respect of the impact of vehicle exhaust pollution upon the adjoining woodland and adjoining inhabitants. However, car usage for 7 dwellings would be low, the site is not within an Air Quality action area, and the provision of electric charging points would mean that this is not a significant issue.

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

Affordable Housing

The site area exceeds 0.5 hectares and Policy CS7 'Housing Mix and Affordability' states: "The Council will seek the provision of affordable housing

on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:

ii. Sites of less than 15 dwellings or developments with a gross site area of less than 0.5 hectares; 25% affordable homes on site or a commuted sum of £10,000 per dwelling to contribute towards provision off site. Any agreed commuted sums would be subject to the provision of a payment scheme agreed between the Council and the applicant.”

It is considered reasonable to consider this site along with the adjoining land that is within a Residential area as identified in the Local Plan and which formed part of the previous refused application RB2013/1508. These two sites combined would have an indicative capacity of under 15 dwellings and therefore a commuted sum of £10,000 per dwelling to contribute towards provision off site affordable housing has been agreed.

Other matters raised

Many of the concerns raised by objectors are addressed above.

Comments have been raised that inadequate Environmental Impact Assessments have taken place. As noted in the Background section above, a screening opinion is not required for this development as it does not meet the thresholds set out in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). The site does not exceed 5 hectares or 150 dwellings and is not within a ‘sensitive’ location (such as an SSSI). Any impacts on the nearby Local Wildlife Site can be addressed through the normal Planning process.

Finally, objectors refer to impact on property prices though this is not a material planning consideration.

Conclusion

Having regard to the above it is considered that the proposed development would represent an acceptable and appropriate form of development on this sustainable site that is identified as ‘Residential’ on the adopted Local Plan and would be in compliance with the requirements detailed within the Local Plan, as well as the adopted Supplementary Planning Documents and the NPPF.

The applicant has demonstrated that the scheme will not have an adverse impact on ecology, in particular the adjacent Local Wildlife Site; the residential amenity of existing and future occupiers; highway safety in this location; or on the Aston Conservation Area, subject to relevant conditions.

As such it is recommended that planning permission be granted subject to the signing of the related S106 agreement and to the following conditions.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be undertaken before development can start. Condition 11 of this permission requires matters to be undertaken before development works begin; however, in this instance the condition is justified because the works required under condition 11 are fundamental to the acceptability of the development.

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 and as shown on the approved plans (as set out below)

(Amended Site Plan (90)001 Rev D)
(Amended House Type 1 (08)001 Rev A)
(Amended House Type 3 (08)003 Rev A)
(Amended House Type 4 (08)004 Rev A)
(Garage Elevations (08)005)

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

Drainage

04

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

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

Reason

To ensure that the development can be properly drained.

Highways

05

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

06

Prior to the occupation of the dwellings, details of one vehicle charging point per dwelling shall be submitted to and approved by the local planning authority. The dwellings shall not be occupied until the charging point has been provided, and shall thereafter be retained.

Reason

In the interests of sustainable development and air quality

07

Before the development is brought into use the sight lines indicated on Drg No (90)001 rev C shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

Reason

In the interests of road safety.

08

Visibility splays 2.4 m x 59 m shall be provided at the site access to Worksop Road. The visibility splay shall be provided prior to the commencement of works on site and shall form part of the adopted highway.

Reason

In the interests of road safety

09

Before the road construction is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be carried out before the development is brought into use.

Reason

In the interests of road safety.

10

Prior to the occupation of the dwellings hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

Trees and Landscaping

11

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

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

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

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

*Using the most recent revision the of the Standard

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

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

12

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

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

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

Reason

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

13

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. 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.

14

No tree or hedgerow shall be cut down, uprooted or destroyed nor shall any tree or hedgerow be pruned other than in accordance with the approved plans and particulars, as set out in the Arboricultural Method Statement dated 20/04/21, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree or hedgerow is removed, uprooted or destroyed or dies, another tree or hedgerow shall be planted in the immediate area and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area

Ecology

15

The development shall be undertaken and completed in accordance with the mitigation measures and the compensation and enhancement set out within the Whitcher Wildlife Ltd report dated 16/09/2020.

Reason

In the interest of ecology and to protect the adjoining Local Wildlife Site.

16

Details of bat roost features to be incorporated into the development shall be submitted to the Local Planning Authority for approval and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

In the interests of the local ecology in accordance with advice in the NPPF.

17

Prior to the completion of the dwellings, details of any security lighting to the rear of plots 02-04 and front of plot 05 shall be submitted to and approved by the Local Planning Authority. No additional security lighting shall be installed, without the prior written consent of the Local Planning Authority.

Reason

In the interest of ecology and to prevent disturbance to nearby nesting birds and bats.

Amenity

18

All windows shown to be obscurely glazed on the approved site plan (90)001 Revision D - 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.

Informatives

01

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.

02

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.

03

Gigabit-capable full fibre broadband: The four South Yorkshire Authorities have committed to ensuring that relevant developments are provided with Gigabit-capable full fibre broadband. Please refer to the attached informative in this respect.

04

Any development of the land to the west will be assessed against the overall site in terms of matters such as affordable housing.

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	RB2020/1591 https://rotherham.planportal.co.uk/?id=RB2020/1591
Proposal and Location	Demolition of unlisted buildings and erection of 170 no. dwellinghouses and conversion of 4 no. existing buildings to create 27 no. dwellinghouses with associated landscaping and works at former Swinden Technology Centre, Moorgate Road, Moorgate
Recommendation	<p>A. That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • 8 affordable housing units on site • Financial contribution of £98,500 towards sustainable travel measures to support the development • Financial contribution of £454,347 towards secondary education provision in the area. • Financial Contribution of £35,685 towards bus stop improvements at Moorgate Road/ Sitwell Drive – Southbound and Moorgate Road / Sitwell Vale – Northbound. • Establishment of a Management Company to manage and maintain the areas of Greenspace on site. <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

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



Site Description & Location

The site is situated off the A618 Moorgate Road in a predominantly residential area of the Borough, although sited directly opposite Rotherham General Hospital. The site is located approximately 2.5km southeast of Rotherham town centre and covers approximately 6.6ha. Access to the site is gained from Moorgate Road to the west and Beaconsfield Road to the north. The site is heavily planted with mature trees and bordered by residential estates to the north, south and east.

The site is currently vacant and was last in operation as Swinden Technology Centre, a steel based research centre constructed in the late 1940s which closed in mid-2020. Prior to the opening of the research centre, the site comprised two separate estates associated with Victorian suburban mansions. The site comprises a mixture of Victorian residential properties and ancillary buildings which have been converted to accommodate the research centre, modern purpose built research buildings, green space, operational yards and car parks.

Swinden House is a large Grade II Listed stone built former mansion house that has been used for office purposes in recent years.

Sitwell House is a large stone built former mansion house that has also been used for office purposes in recent years and although not listed is of some architectural merit.

The Lodge / Gatehouse, which is a two-storey stone built former dwelling is situated directly adjacent the entrance off Moorgate Road and is curtilage listed. The Stables located to the rear of the site are also curtilage listed.

The remaining buildings which are used for office use and as laboratories constructed between the 1950s and 1980s are not listed.

Background

There has been a number of applications submitted relating to this site:

RC1961/0353 – Extensions to laboratories – Granted

RB1982/1615 – Erection of steel building for rolling mill laboratory – Granted conditionally

RB1985/0016 – Extension to car park – Granted

RB1988/0748 – Proposed rolling mill laboratory – Granted conditionally

RB1990/0351 – Alts. to existing building for use as offices or labs. within use class B1 – Granted conditionally

RB1990/1920 – Erection of 4 discharge stacks to provide extract system for metallurgical lab. – Granted

RB1991/0034 – Proposed tube pressure testing facility (13m x 10m) – Granted conditionally

RB2001/1086 – Listed building consent for the alteration and partial demolition of buildings – Granted conditionally

RB2003/2085 – Outline application for residential development and conversion of Swinden House to residential (amended scheme) – Granted conditionally

RB2004/2260 – Listed Building Consent for replacement gutters, hoppers and down pipes; new access ramp, handrails to existing ramps and new entrance, replacement of rooflights; and repointing of brickwork and chimney – Granted conditionally

RB2004/2261 – New access ramp, handrails to existing ramps and formation of new entrance – Granted conditionally

RB2005/1021 – Erection of storage building – Granted conditionally

RB2006/0382 – Listed Building Consent for general repairs and refurbishment – Granted conditionally

RB2006/1704 – Installation of access ramp – Granted conditionally

RB2007/1258 – Formation of additional car park – Granted conditionally

RB2010/1634 – Erection of temporary building – Granted conditionally

RB2017/1565 – Application to determine whether prior approval is required of the method of demolition and restoration of the site re: various un-listed buildings – Granted

RB2018/0091 – Outline application for the erection of 101 dwellinghouses including details of access and layout, and full planning permission to convert Swinden House, Sitwell House, the Workshop and Gatehouse to create 26 dwellings, first floor side extension to Sitwell House, and associated works – Undetermined

RB2018/0164 – Listed Building Consent to convert Swinden House, Sitwell House, the Workshop and Gatehouse to create 26 dwellings, first floor side extension to Sitwell House, and associated works – Undetermined

RB2020/1596 – Listed Building Consent for part demolition of listed buildings and erection of 170 No. dwellinghouses and conversion of 4 No. existing buildings to create 27 No. dwellinghouses with associated landscaping & works – Undetermined

The two applications from 2018 remain undetermined but are likely to be withdrawn should this application be approved.

Screening Opinion

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 and the site area exceeds 5ha. 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.

Accordingly, it is the Local Planning Authority's opinion, that the proposed development is not 'EIA development' within the meaning of the 2017 Regulations.

CIL

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

Proposal

The application is for the demolition of the unlisted buildings and erection of 170 dwellinghouses and the conversion of the Lodge House, Swinden House, Sitwell House and the former Stable Building to 27 dwellinghouses in a mixture of houses and apartments.

Access to the site shall be one-way from Moorgate Road down a tree-lined avenue, due to the width of the access not being suitable to accommodate two-way traffic. The access from Moorgate Road will bend off for vehicles to the south while pedestrians will be able to continue to walk straight and link up with the pedestrian access to Beaconsfield Road, which will utilise the former vehicular access which will be closed to vehicles as part of the proposals. There will be a new access/egress created in the northern boundary of the site onto Beaconsfield Road. A new pedestrian access from the site shall be created in the southern boundary to link to the existing footpath between Green Lane and Lane End Road to create a permeability through the site. The existing former vehicle accesses to Green Lane and Sitwell Drive shall be fenced off and shall not be used either by vehicles or pedestrians.

The site will have a variety of boundary treatments, some of the perimeter treatment will remain as existing, particularly in respect of the listed wall along the sites eastern boundary with properties on Barrowby Road. The boundary treatment within the site will be a mixture of 1.8m and 1.5m high screen walls, 1.8m high hit and miss fencing, 0.6m high low wall and 1m high estate railings.

The new build dwellings will be a mixture of 2 bed apartments within several blocks of three-storey buildings. Three of which would be sited to the south and east of Swinden House to create a courtyard a further block would be sited towards the southern part of the site. The dwellings will be a mix of 3 and 4 bed dwellings of two, two-and-a-half and three stories which will consist of a mix of detached, terraced and semi-detached properties.

A total of 16 two and three bed dwellinghouses will form the affordable housing provision.

The dwelling mix will be:

Market Housing

24 two-bed apartments (14%)
15 two bed dwellings (9%)
54 three bed dwellings (32 %)
61 four bed dwellings (36%)

Affordable Housing

3 two bed dwellings (3%)
13 three bed dwellings (6%)

Conversion

Swinden House
5 one-bed apartments
9 two-bed apartments

Stable Block
1 two bed dwelling
2 three bed dwellings

Swinden Lodge
1 two bed dwelling

Sitwell House
5 one-bed apartments
4 two-bed apartments

All new dwellings will have in curtilage parking spaces and some may have detached, and others have car ports under first floor off-shots. All properties will be provided with bin stores.

In respect of the conversion proposals for the Lodge House, Sitwell House, the former stable building and the Grade II listed Swinden House, the external alterations to these will be minimal, apart from a first floor extension being proposed on the southern side of Sitwell House above an existing flat roof element. The Lodge House shall be brought back into use as a single dwelling and the stable building is to be converted into three dwellings. Swinden House and Sitwell House will be converted to large apartments.

The square green area to the front of Swinden House is to remain unaffected and will be enhanced through appropriate planting to create a central communal square for residents of the scheme and also the general public.

Other areas of green space are to be provided throughout the site, to the north adjacent to Beaconsfield, to the west adjacent Sitwell Drive and the existing Orchard is to be enhanced. There will be play areas built into the landscape.

The is to be a mixture of surface water storage tanks and a surface water attenuation basin.

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

Design and Access Statement

The statement provides information on the site, the local area and the proposal.

Planning Statement (including Heritage Assessment)

The statement provides details on the site, the proposal, planning policy response and details of the planning assessment in respect of various considerations.

Historic Buildings Record

The historic building recording programme focuses on five buildings situated within the Swinden Technology Centre site, comprising Swinden House (Grade II Listed), Lodge (curtilage), Stables (curtilage), walled garden (curtilage) and Sitwell House (non-designated).

The historic buildings of Swinden Technology Centre are considered to be of national significance as a result of the sum of their architectural, artistic and historic interest. All of the buildings have retained enough architectural and historic evidence to enable a reconstruction of their former layout and use, contributing towards their historic interest, whilst the retention of high quality fixtures and fittings contributes towards the artistic interest of the buildings.

Swinden House forms the focal point of the site around which the surrounding historic buildings contribute towards not only in terms of the understanding of the building as the central part of a wider estate but also contribute towards the history of the building and the story of its construction, later abandonment and adoption before passing into the hands of the United Steel companies in the late 1940s.

Archaeology Report

The report summarises that eight trenches were excavated across the proposed site of a new residential development in order to evaluate any potential surviving archaeological remains. The trenches contained no evidence of any surviving archaeology; the site having seen substantial landscaping in the recent past. Geophysical anomalies across the site were evaluated and were found to largely relate to land drains constructed of a variety of materials. No finds were recovered.

Transport Assessment

This TA considers the potential transport and highways impacts of the proposals including the impact of development generated traffic on the capacity and safety of the surrounding road network. It is concluded that proposed development would have no material residual adverse impact on the safe operation of the local highway network.

The TA summarises that:

- A new signalised crossing is to be installed approximately 50m north of the site access replacing the existing pedestrian refuge.
- The road safety records for the local road network have been reviewed and there are no existing road safety issues to report.

- The site is within walking distance to the local schools and bus stops. The local facilities are within 500m walking distance from the sit.

Travel Plan

The TP supports the Transport Assessment (TA) submitted as part of the planning application for the proposed development and sets out measures and targets in accordance with national and local policy.

Air Quality Assessment

The AQA summarises that the assessment has demonstrated that future residents will experience acceptable air quality, with pollutant concentrations below the air quality objectives. The proposed development will generate additional traffic on the local road network, but the assessment has shown that there will be no significant effects at any existing, sensitive receptor. Overall, the operational air quality effects are judged to be 'not significant'.

Ecological Survey

The Site was assessed to offer suitable roosting, foraging and commuting habitat for bats and ten mammal holes which had the potential to be used by badgers were recorded. Further surveys were recommended accordingly.

Camera trap monitoring of the mammal holes was undertaken at three locations, during which frequent fox activity was recorded. Foxes were also observed throughout the bat surveys. No badgers or evidence of badgers was recorded at the mammal holes or the wider site, and so badgers are concluded to be likely absent from the Site. Where destruction of fox dens is required to facilitate the development, works should be timed to avoid impacts upon fox and their young i.e. avoid the spring months.

A suite of nocturnal dusk emergence and dawn re-entry bat surveys were conducted of all buildings at the Site, with the exception of Block Q, R and the former greenhouse. A single pipistrelle bat was recorded to emerge from a roost in Swinden House. Single pipistrelle bats were observed emerging from and re-entering two separate roost sites on Sitwell House. No other roosts within the remaining buildings were recorded. Works to redevelop Swinden House and Sitwell House will need to be undertaken under a Natural England licence. It is recommended that additional ecological enhancement be implemented through the provision of integrated bat boxes within 30% of all new properties at the Site.

Landscape Management Plan

This document provides a comprehensive schedule of maintenance for annual operations and a 20-year management plan for the proposed public open spaces.

Tree Survey

The survey records all trees within the site and all those which may be affected by any development proposals within the site boundary, recording a number of parameters including species, crown spread and Root Protection Area (RPA).

The 2016 survey recorded 36 tree groups and 281 individual trees. The 2020 survey recorded an additional 12 tree groups and 18 individual trees, mostly within densely wooded areas of the site that had been highlighted for a second survey. In total there are 48 tree groups and 297 individual trees included in this report. The 2020 survey also changed the condition of six trees from the 2016 report and these are detailed within the report.

A large number of trees are protected by a confirmed Rotherham Borough Council Tree Preservation Order (TPO), ref: Rotherham Borough Council Tree Preservation Order No.1 (2021).

The proposed development requires the removal of 81 individual trees (16 category U), 24 tree groups (1 category U) and the partial removal of one tree group, and may also have an impact on above and below ground parts of retained trees, unless adequate protection of these trees is provided.

The report details the arboricultural impact and recommends a range of protection measures that should be put in place prior to works starting on site as well as construction methodologies which should be adopted. These measures, as described in detail in Chapter 5, will prevent accidental damage and other adverse effects on the health of retained trees and cover.

This report also makes further recommendations for any measures to mitigate or compensate the loss of trees within the site and the likely impact on the site and the local landscape. These include:

- Replacement tree planting to compensate the loss of trees;
- Planting of shrubs and hedgerows to mitigate the loss of screening of the site;
- Planting of native to compensate the loss of habitat;
- Planting of non-native and ornamental species to improve the amenity of the site; and
- The preparation of a Landscape Management Plan to ensure the continued monitoring of retained trees and the establishment of newly planted trees and shrubs.

Statement of Community Involvement

The applicant has undertaken a public consultation exercise as described herein and has received a number of responses to the proposals, which have been considered further during the evolution of this scheme. The purpose of this statement is to outline the consultation process that has informed the preparation of this application.

Geoenvironmental Appraisal

The investigation included a review of 3rd party reports, the site's history and environmental setting, and a ground investigation comprising 40 trial pits, 13 window sample mini-boreholes and 12 probe holes.

Significant developer abnormalities relating to geoenvironmental issues at the site are:

- Demolition of existing buildings/foundations and grubbing up of hardstand.
- Ground improvement – turnover of the full thickness of made ground, in order to deal with contamination, remove buried obstructions etc.
- Provision of a minimum of 600mm clean soil cover in gardens and landscaped areas underlain by made ground

Some further work is required, most notably:

- A post-demolition investigation will be required.

Gas Risk Assessment

This document reviews soil-gas conditions, assesses risks and details any mitigation measures required to render the site suitable for the proposed development.

Remediation Strategy

This document outlines the remediation objectives necessary to protect environmental receptors and render the site suitable for the proposed development. A Method Statement should be prepared in order to detail how the objectives will be achieved.

Flood Risk Assessment

The site is not at significant risk of flooding from any source and is sited within Flood Zone 1.

Surface water disposal is considered in accordance with the drainage hierarchy in Building Regulations Part H 2010 and Planning Practice Guidance 'Reducing the causes and impacts of flooding', paragraph 80, reference ID 7-080-20150323.

Infiltration type SuDS, such as soakaways, will not be viable on the site due to the presence of impermeable ground.

Attenuation storage in the eastern area for rainfall events up to the 1 in 100 year plus 30% climate change will be provided by a storage tank and attenuation basin with a combined volume of 833 m³. Discharge will be restricted to 69 l/s into the public sewer in Beaconsfield Road.

Attenuation storage in the western area for rainfall events up to the 1 in 100 year plus 30% climate change will be provided by a storage tank with a volume of 60 m³. Discharge will be restricted to 5 l/s into a new 225 mm surface water sewer in Sitwell Drive.

A pumping station to the west of the site may be required if existing private access ties into the site drainage.

Foul effluent will discharge to the public combined sewer in Beaconsfield Road north of the site.

Drainage Calculations have also been submitted with the application.

Healthy Communities Checklist

The checklist provides information on:

- movement and access to and through the site will contribute to a safe and accessible place for all;
- how the development has been designed to provide a safe, attractive and well-designed environment to meet the needs of the community;
- how the development will enhance and integrate into existing Green Infrastructure networks and provide publicly accessible Green Space, how does it plan for climate change, how does it encourage physical activity and / or a healthy lifestyle; and
- how it promotes equal communities.

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 27th June 2018.

The application site is allocated for residential purposes in the Local Plan. This site comprises Housing Allocation site H96 in the Council's adopted Local Plan and has an indicative capacity of 219 dwellings. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS3 'Location of New Development'
CS7 'Housing Mix and Affordability'
CS14 'Accessible Places and Managing Demand for Travel'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscapes'
CS22 'Green Space'
CS23 'Valuing the Historic Environment'
CS25 'Dealing with Flood Risk'

CS26 'Minerals'
 CS27 'Community Health and Safety'
 CS28 'Sustainable Design'
 CS33 'Presumption in Favour of Sustainable Development'
 SP1 'Sites Allocated for Development'
 SP11 'Development in Residential Areas'
 SP26 'Sustainable Transport for Development'
 SP32 'Green Infrastructure and Landscape'
 SP33 'Conserving the Natural Environment'
 SP35 'Protected and Priority Species'
 SP37 'New and Improvements to Existing Green Space'
 SP40 'Listed Buildings'
 SP47 'Understanding and Managing Flood Risk and Drainage'
 SP52 'Pollution Control'
 SP55 'Design Principles'
 SP56 'Car Parking Layout'
 WCS7 'Managing Waste in All Developments'

Other Material Considerations

The revised NPPF came into effect in February 2019. It states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”

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

National Planning Practice Guidance (NPPG)

South Yorkshire Residential Design Guide

Council's Car Parking Standards

RMBC Adopted Supplementary Planning Documents:

- SPD2 – Air Quality & Emissions
- SPD5 – Healthy and Equal Communities

Publicity

The application has been advertised by way of press, and site notices along with individual neighbour notification letters to adjacent properties. 6 letters of representation have been received from individual addresses and Ward Councillors. 2 letters from individual addresses have raised concerns about the original plans.

The issues raised by local residents are summarised below:

- The proposal will result in the loss of several trees adjacent to our property.
- The exact location of the trees is slightly inaccurate on your plans. The trunk of T328 is only a matter of inches from our property. Whereas the plans, show this tree several meters away.
- If these trees are removed, our current Privacy will be destroyed. People will be able to see directly into our property.
- Due to how close the trees are to our house, we have great concern that in addition to loss of privacy, removal of such mature trees could effect the structural integrity of our house.
- If the trees are replaced with a car park so close to our house, we would be woken up by car doors, cars being started, car radios etc.
- There is an abundance of Wildlife living in said trees & bushes, we have observed many birds (including rare birds of prey nesting), Owls, butterflies, bats, squirrels, voles.
- We were assured when purchasing the property, that a TPO was in place & would therefore protect our privacy. We are extremely shocked & concerned to learn that these trees are being considered for removal.
- There are significant Environmental concerns in removing such mature & well established trees- How can the Council support the removal?
- Looking at the plans, there is no need to site the visitor spaces right next to our property, there is ample room inside the site & around Sitwell house.
- Looking at the plans, our property is the only property throughout the whole plan which is having its privacy/ border compromised in such an intrusive way. This seems extremely unfair.
- The bin store is a potential fire risk and associated noise related to its use.
- I cannot see any proposal to remove the historical drive access that existed via Green Lane onto Swinden Labs beyond the gates and re-landscape this area, before any proposed vehicle parking bays? This area could be used to plant additional trees or shrubs that will help to deflect or absorb any noise or light pollution onto Green Lane or neighbouring properties before a boundary fence. If the historical drive remained on the site I am in no doubt that it will be used to park additional vehicles that would be closer to my neighbours and our boundary.
- The proposal for pedestrian access via a footpath onto Green Lane has serious consequences for the residents of the lane. This is a private, unadopted road that is cleaned and maintained by the current owner-occupiers and is regularly abused by none residents parking and obstructing access or wrongfully used as a 'drop-off' shortcut for the surrounding area. Given that there are only five residential properties on the lane and a proposed development of one hundred and ninety seven residences on the Swinden Technology Centre site, it is not unreasonable to assume that the current situation will only get far worse. I therefore strongly object to the proposed pedestrian access route onto Green Lane and fail to see any advantage for any of the residents of lane. Not to mention increased littering, loitering and illegal parking that has to be policed by the current residents.

- Access to local services and amenities on the proposed development can be easily accessed via the current entrance off Moorgate Road and Beaconsfield Road. While the status quo on Green Lane would continue to provide access to pedestrians and cyclist and quiet space for the elderly residents of Ackroyd House.
- The proposal represents overdevelopment of the site and the proposed buildings design are not appropriate.

Councillor Julie Turner has indicated that she is supportive of the scheme but has some concerns over the impact on traffic at peak times at Whiston Crossroads.

Councillor Peter Short has stated that he has no objections to the plans.

On receipt of amended plans a further round of public consultation was undertaken with further letters being issued to those who were notified in writing of the original application and those who had raised comments previously. Five additional letters were received from local residents who had not commented previously and one from a local resident who had commented previously. The concerns raised are summarised below:

- We are very grateful that they are planning to plant trees. This might slightly compensate for all the wildlife that is going to be lost.
- We are concerned that this is a dark corner; and that young people might decide to hang out there. The stone wall that is at the back of our house is not very high. We are concerned that young people would climb on this wall.
- Can you please consider keeping the conifer hedge that is behind this stone wall as a barrier to prevent this from happening?
- Three storey housing will directly overlook and tower over my property removing our privacy.
- Having looked at the boundary plan I cannot discern what type of fencing is proposed between my bungalow and the proposed development. The land of Swinden Technology Centre is 1 meter higher than my garden and there is only a low wall separating my garden from what will be public land.
- The proposed development is over-bearing, in both its height (3 storey dwellings), proximity to our boundary and character compared with the vast amount of surrounding bungalow properties.
- The current proposed building area contains a number of listed buildings all of which have traditional character; the plans for the properties are not in keeping with the character of our neighbourhood and therefore are unacceptable. We feel that the proposed development will have an adverse effect.
- We strongly object to the increased number of properties being developed on this site. To have 219 dwellings on this site must surely be compatible with the governments Build Better Build Beautiful policy.
- The site is in a unique situation with mature trees, birds and other wildlife. The site with its distinctive character and variety of retained historic buildings should and could be developed sympathetically and

the proposed development and number of dwellings cannot possibly afford this.

- The site would and should provide the background for quality housing thus making full use and opportunity of access to the mature and green space which already exists which already exists vital for people's health and well-being. We believe the increased number of dwellings proposed and inevitable motor vehicles will be detrimental to the environment. We urge the local authority to re-visit these proposals and NOT settle for anything other than the very best for this site.
- There will be a line of sight into our private garden and overlook our home.
- There should be some protection from further permitted development for the future of the homes being built in that rights should be removed to convert lofts.
- There appears to be no provision for elderly residents.
- There is no need to remove the trees which are close to our property for the car park to Sitwell House and destroy a well established woodland boarder. Simply move the few car parking spaces nearer to Sitwell House itself.
- The proposed plan includes the removal of several very healthy, mature trees (from the previous plan these are T327, T328, G329, G330, T279) & the construction of a visitor car park. If these trees are removed, our current Privacy will be destroyed. People will be able to see directly into our property (Directly into our bedroom window). Our daily lives will be effected in a number of ways.
- Due to how close the trees are to our house, we have great concern that in addition to loss of privacy, removal of such mature trees could effect the structural integrity of our house
- If the trees are replaced with a car park so close to our house, we would be disturbed at all possible hours by car doors, car engines, car radios etc. This is a huge issue & would devalue our property & quality of life significantly.
- There is an abundance of Wildlife living in said trees & bushes, we have observed many birds (including rare birds of prey nesting), Owls, butterflies, bats, squirrels, voles
- We were assured when purchasing the property, that a TPO was in place & would therefore protect our privacy. We are extremely shocked & concerned to learn that these trees are being considered for removal
- How will the contractors ensure that access cannot possibly be gained to Green Lane from the site by pedestrians? (Green Lane is a private road) There is a distinct danger that unless the old access road to Swinden Labs is blocked up & secured properly, that it could attract anti-social behaviour & also be used as a short cut for pedestrians onto Green Lane which is private property. As such, the boarder fence proposed in the new version of the perimeter plans does not appear sufficient. In previous versions a 2m acoustic fence was proposed which felt more appropriate to reduce noise & the possibility of 'short cuts'. However, it is very concerning to see that a less secure 1.8m 'hit & miss' fence is now proposed in the updated plan. This could lead to

security issues & a problem with people trespassing onto Green lane from the building site / housing development.

One right to speak request has been received from a local resident and one from the applicant.

Consultations

RMBC – Transportation Infrastructure Service: No objections subject to conditions.

RMBC – Public Health: No objections.

RMBC – Ecology: No objections subject to conditions / informatives.

RMBC – Landscapes: No objections subject to conditions.

RMBC – Tree Service: No objections subject to conditions.

RMBC – Drainage: No objections subject to conditions.

RMBC – Affordable Housing Officer: No objections subject to the securing of 8 affordable housing units via a s106 in line with policy.

RMBC – Conservation and Listed Buildings Officer: No objections subject to conditions.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Green Spaces: No objections.

RMBC – Education: Education contribution towards secondary schools in the area is required in line with the Council's policy.

RMBC – Environmental Health: No objections subject to conditions.

South Yorkshire Passenger Transport Executive: No objections subject to s106 contribution towards bus stop improvements on Moorgate Road.

The Environment Agency: No objections.

Sheffield Area Geology Trust: No objections.

South Yorkshire Fire and Rescue: No objections but recommend including several informatives.

SY Police Architectural Liaison Officer: Recommend that the application is built out in accordance with Secured by Design.

Historic England: No comments received.

Yorkshire Water: No objections subject to conditions.

South Yorkshire Archaeological Service: No objections subject to conditions.

Hunter Archaeological Society: The proposed alterations to the listed buildings, whilst not altogether desirable, would appear to protect the main structures which are the key elements of importance in these listed buildings, where numerous alterations have already been undertaken over the years. Overall this could be an exciting development that seeks to preserve and make more visible than hitherto the protected buildings. Our reservation remains that the development of dwellings 130-135 to the south of Swinden House block the view and would be better as an open space. But this has already been considered in the earlier application, so I presume that this will now go ahead.

Rotherham Civic Society: The Society is strongly of the view that the former Swinden Technology Centre site is in locational and environmental terms the best in the central Rotherham urban area and accordingly merits a sensitive solution which distinguishes the design and layout from the usual fare provided by the volume house builders. The 'numbers game' has driven recent Government Housing Policy resulting in a monotonous uniformity of housing design in recent years. Nonetheless opportunities for a more innovative approach will present themselves as the Government refines its policies on 'Building Better, Building Beautiful', Carbon Neutral Homes, and site allocation for Self Build Provision. It is time that the local authority stopped settling for second best, and raised its aspirations. There is no more appropriate site on which to do this than the former Swinden Technology Centre.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle
- Design, Scale, Appearance and Layout

- Heritage Impact
- Impact on Highways
- Landscapes and Trees
- Ecology / Biodiversity
- Open Space Provision
- Drainage and Flood Risk
- General Amenity
- Air Quality
- Affordable Housing
- Education
- Minerals
- Land contamination
- Archaeology
- Other considerations

Principle

The site is allocated in the adopted Rotherham Sites and Policies Document for residential and within policy SP1 'Sites Allocated for Development' is identified as Housing Site H96 (total area 6.7ha) and it indicates the principle of developing this site for residential is acceptable from a purely land use allocation perspective.

CS1 'Delivering Rotherham's Spatial Strategy' states most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. Dinnington is identified as a 'Principal Settlement for Growth', which along with Anston and Laughton Common is proposed to provide 1,300 dwellings as part of the Local Plan.

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

Policy SP11 'Development in Residential Areas' states, in part that: *"All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies."*

The site is allocated Residential and as such the principle of residential development is acceptable and the 197 dwellings proposed on the site is broadly in keeping with the indicative Sites and Policies Document figure allocation of 219 dwellings. The figure is slightly below the indicative figure due to the constraints of the site, such as the Orchard and protecting the setting of the listed building on site.

The NPPF specifies at paragraph 11 that decisions should apply a presumption in favour of sustainable development, which means *"approving*

development proposals that accord with an up-to-date development plan without delay...” This is further supported by policy CS33 ‘Presumption in Favour of Sustainable Development’.

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

Access to Community Facilities

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

The site is within a highly sustainable location within walking distance to a number of facilities and amenities, such as hospitals, doctors surgeries, schools, places of worship, shops, post office, public houses, community halls and public transport links.

Accordingly, the location of the development would comply fully with the requirements of SP64.

Housing Mix

Adopted Rotherham Core Strategy Policy CS7 ‘Housing Mix and Affordability’ states: *“Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community.”*

In respect of the above and the housing mix proposed it is noted that the developer proposes to provide a mix of one, two, three and four bed properties across the site in a mix of apartments, semi-detached, detached and terraced types. It is considered that the overall mix of development is acceptable, moreover, the mix and type of the affordable houses has been considered acceptable for this location by the Council’s Housing service.

Therefore, it is considered that the proposal would meet the requirements set out within policy CS7.

Healthy and Equal Communities

The adopted SPD 'Healthy and Equal Communities' raises awareness of the links between equality and health and wellbeing and includes a checklist to assist development proposals in considering these issues at the planning stage.

The Checklist has been submitted and assessed by the Council's Public Health department and deemed to be acceptable in this instance.

The remainder of the report will focus on whether there are any other material planning considerations that would outweigh the presumption in favour of sustainable development.

Design, scale, appearance, layout

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

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

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

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

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

In addition, CS21 'Landscapes' states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes. Furthermore, CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the

distinctive features of Rotherham and design should take all opportunities to improve the character and quality of an area and the way it functions.

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

Having regard to the site layout, the applicant has developed a scheme to ensure that the whole housing allocation can be comprehensively developed and would provide just under the indicative number of dwelling indicated within Table 2 of policy SP1 'Sites Allocated for Development'.

The layout proposes a change to the access arrangements by having the access from Moorgate Road to be one-way and a new vehicular access / egress from Beaconsfield Road being created. The existing vehicular access to Beaconsfield Road will be amended to just allow pedestrian access, all other existing / former vehicular access i.e. to Green Lane and Sitwell Drive will be blocked up and not used. A new pedestrian access is proposed further along Green Lane to allow permeability through the site and to allow the site to link up with the immediate surrounding area.

The site has been created with a single road that runs from Moorgate Road down a tree-lined avenue to the new access on Beaconsfield Road. A footpath continues straight from the one-way access through the site linking up with the new access in the site's north-east corner.

The site has been designed with respect to the setting of the Grade II Listed Building (Swinden House), which is retained and a green space retained in front, but also to the other buildings which carry architectural merit such as the Lodge House, Sitwell House and the former stable building. The listed wall to the former walled kitchen / garden along the site's eastern boundary is to be retained.

Overall the site has been sympathetically designed and the layout will enable the listed and unlisted buildings to remain dominant both architecturally but also by not blocking views of them. The tree-lined avenue will be an attractive entrance feature to the development and the green spaces within will provide residents with an attractive environment.

With regard to the design of the dwellings, these are the housebuilders standard house types that are considered to be acceptable, in respect of their size, scale, form, design and appearance. All dwellings have uniformed features in respect of heads and sills that would run through the scheme. There will also be some detached garages sited throughout the scheme which will be of similar designs.

The apartment blocks, whilst three-storey would not appear out of place on the site. The buildings which are to be retained are substantial in size, scale and massing. In addition there are apartment blocks on Beaconsfield Road and also within the more recent development on Garden Walk.

All the dwellings have adequate amenity space and appropriate outlooks, with internal space exceeding the national internal room standards and those set out in the South Yorkshire Residential Design Guide. The mix of dwelling types is also considered acceptable with affordable units providing a good mixed community.

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

It is also considered that the proposed boundary treatment as set out in the submitted plans would be acceptable in respect of size and siting. However, further details are required in respect of the design and appearance and this will be secured via condition.

The size and location of the various areas of public open space within the site have been sympathetically designed and will include appropriate planting, footpaths, benches, information boards and play equipment.

In respect of the proposed alterations to the listed and unlisted buildings these will be discussed and assessed in more detail in the next section of the report. Notwithstanding, it is considered that in general the alterations and extension to Sitwell House would represent an acceptable and appropriate form of development that would not have an adverse impact on the character or appearance of the property.

The other alterations to the buildings to be converted are minimal in respect of external alterations and such raise no issues.

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and would not have an adverse impact on the character of the immediate surrounding area from a visual design aspect. In addition, the proposed materials would be sympathetic to the area which has a mix palette of materials. Moreover, the dwellings and garages in terms of size, scale, form and design would be standard house types and designs used by the developer on other similar sites and in general would be acceptable.

Further to the above, the South Yorkshire Police Architectural Liaison Officer has indicated that the crime figures in this area high, with particular concern on Burglary offences. Therefore, the development would not only benefit from being built to Secure by Design standards but would ask that it be conditional on granting this application.

Notwithstanding the comments the requirement that the development is built to secured by design cannot be imposed as a condition as it fails to meet the tests, but it can be imposed as an informative.

Heritage Impact and Archaeology

In respect of Heritage impact the Site Development Guidelines states:

“2. It is essential that development takes account of the existing character and quality of the area including the Listed Building. There will be a need for sensitive layout, design, scale, height, materials and landscaping to ensure it contributes positively to the location and does not have an adverse impact on heritage assets.

3. Key historic and other features which contribute to the site’s existing character shall be retained: principally the Listed Swinden House, and the lodge building and historic gate posts and walls off Beaconsfield Road (which are curtilage structures to the Listed Building), Sitwell House and the tree lined boulevard.

4. Opportunities should be taken to enhance or better reveal the elements which contribute to their significance. Consideration should also be given to the reuse and adaptation of the 1950s office blocks to the west of Swinden House. The Heritage Assessment submitted with a Planning Application should include consideration of the significance of these office buildings and their contribution to the significance of Swinden House.”

In determining this application regard will be had to the statutory duty of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting and preserving or enhancing the character and appearance of conservation areas.

Paragraph 192 of the NPPF states in determining applications consideration should be had to the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 to 202 sets out what should be considered when assessing the potential impacts of a proposal on heritage assets.

Policy CS23 ‘Valuing the Historic Environment’ states Rotherham’s historic environment will be conserved, enhanced and managed. Policy SP40 ‘Listed Buildings’ states development affect a listed building’s setting will be considered against a number of principles, one of which states: *“...the Council encourages the development of good quality, contextual design, including any development within the setting of Listed Buildings. Development which has an adverse effect on the setting of Listed Buildings will not be acceptable...”*

In general the Council’s Listed Building and Conservation Officer has indicated that the retention of and refurbishment of Swinden House a Grade II

Listed Building and its curtilage Listed Buildings and structures, namely the Lodge House, the Stables and the garden wall are welcomed.

From a conservation perspective the landscaping has been considered to enhance the setting of these designated heritage assets and the undesignated heritage asset of Sitwell House. The retention of the tree lined driveway to Swinden House and the landscaped areas to the front of both Swinden House and Sitwell House are acceptable in conservation terms and there are no objections to the layout of the development in terms of impacting on the setting of the Grade II Listed Building or its curtilage Listed structures.

The main concern related to the design of the rear elevations of the apartment buildings close to Swinden House, which on the original plans were not considered appropriate. These have been amended and the Listed Building Officer subject to conditions is supportive of the scheme overall, the impact of the apartment blocks on the setting of the Listed Building and the extensions and alterations to both the listed building, curtilage listed structures and the unlisted Sitwell House. Therefore, there are no concerns in respect of impact on heritage assets and subject to recommended conditions the application would comply with the Site Development Guidelines and national and local planning policies referred to above.

Further to the above the Site Development Guidelines states that "Development proposals will need to be supported with a Heritage Statement for Archaeology prepared in line with the requirements for site classification 2 highlighted blue in Table 17 'Heritage Statement for Archaeology Requirements'."

The document required was submitted with the application and has been assessed by the South Yorkshire Archaeology Service. The archaeological desk-based assessment and buildings appraisal by ECUS in 2016 made a number of recommendations for work in advance of development. Some, such as archaeological evaluation and archaeological building recording of the Victorian buildings (ECUS 2016, 6.2.1), have been undertaken and reported.

One element of the recommendations has not been done – recording of the important set of laboratory buildings. The appraisal includes a very rapid block by block assessment, concluding that:

"...the laboratory buildings are of medium heritage significance, deriving in a small part from the modest architectural interest of the building, but largely through the historical interest of the site in terms of the individual achievements associated with it and the contribution of the site to our understanding of the wider operation and development of the steel industry in South Yorkshire." (2016, 5.3.9).

It recommends that:

“Due to medium (regional) significance of the Swinden Technology Centre, it is recommended that a programme of building recording should be undertaken of the modern buildings on the site. This would be secured as a condition of planning permission for the demolition of the buildings. Where possible this should be undertaken whilst plant and furniture is still in place.” (2016, 6.2.1 third bullet point).

The statement of significance of the laboratory buildings is again cited verbatim in the Planning Statement by DLP. It is disappointing that this has not been done. If this important set of the laboratory buildings are to be lost, they should at the very least be recorded prior to demolition.

In light of the above, a two-part planning condition shall be imposed, requiring the submission of a Written Scheme of Investigation, including details of building recordings to be submitted prior to demolition and that the approved details should be carried out throughout the build phase.

Highways

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

CS14 ‘Accessible Places and Managing Demand for Travel’ states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel.

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

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

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

A Transport Assessment has been submitted with the application and the proposal from a highways perspective involves a new access onto Beaconsfield Road, a remodel of the site access onto Moorgate Road, the

relocation of two bus stops and the instalment of a signal crossing along Moorgate Road.

In respect of trip Generation the proposed development has been robustly assessed using industry software and it has demonstrated that the anticipated number of trips likely to be created in the morning and evening peaks can be accommodated within the surrounding highway network.

The traffic impact of the development has been assessed at the following locations using industry standard modelling software;

- Site Access Moorgate Road
- Site Access Beaconsfield Road
- Beaconsfield Road/Broom Lane
- Moorgate Road/Oakwood Road

It is evident that the assessed junctions operate safely and well within their theoretical capacity for all scenarios including development and growth to 2025.

The TA's claim that the site is accessible by public transport is accepted. The nearest bus stops are located approximately 160m from the western site access within the grounds of Rotherham Hospital (the stop for buses bound for Rotherham Interchange is slightly nearer on Moorgate Road). There are also stops 30m from the northern site access on Beaconsfield Road. A number of services stop at Rotherham hospital and service no. 3 stops adjacent to the northern site access.

Route 6 on the National Cycle Network runs past the site and heads north into the centre of Rotherham. There are a range of amenities and employment areas accessible via the local highway network, located within an acceptable cycling distance (5Km) of the site.

With regard to road safety, recent accident records show that there are no road safety issues in the vicinity of the site. Those personal injury collisions that have occurred are all classified as slight.

The existing access onto Beaconsfield Road will be closed off to motor vehicles and a new simple priority junction will be provided offset from Beaconsfield Road. The existing access to Beaconsfield Road will be closed and the footway / kerbline reinstated.

The existing vehicular access to Moorgate Road will be retained and will operate on a one-way basis serving cars entering the site. The access will be remodelled by making the junction more symmetrical and adding in dropped kerbs and tactile paving to allow pedestrians to cross. The proposed 'In Only' from Moorgate was supported by a Road Safety Audit.

The updated internal road layout now complies with guidance from both the South Yorkshire Residential Design Guide and Manual for Streets and it has

been designed for a 20 mph internal speed limit, this will require the appropriate signage. As the proposed highway network is to be limited to 20mph this will allow cyclists to use the one way section in both directions, appropriate road markings and signage will be required. It is proposed that both the one way part of the internal layout and the new junction with Beaconsfield be subject to waiting restrictions. South Yorkshire Police have been consulted over the one way workings and waiting restrictions and they have confirmed that they have no objections.

Pedestrian links in the area are good and comprise footways alongside the carriageway in a largely residential area. Access to local facilities is considered to be good. A signalised pedestrian crossing is to be provided in Moorgate Road and the existing bus stops on Beaconsfield Road are to be relocated and the new stops will be upgraded with clearway markings and raised boarding facilities. The applicant has confirmed they will fund these improvements.

The developer is to enter into a Section 106 agreement with the Council and will provide £500 per dwelling which will be used to enhance the sustainability of the site.

Car and cycle parking provision will comply with the Council's minimum standards. One substantive issue with car parking is likely to be on-street parking by non-residents if the estate roads are adopted. The location close to the hospital will be attractive to staff wishing to park for free as well as visitors. Consideration should be given to the making of a residents parking zone as part of the development conditions. In addition, the provision of charging facilities should be made in both communal and individual residential parking.

The proposed scheme will require three Traffic Regulation Orders for the waiting restrictions and one-way scheme, and these are to be paid for by the applicant.

Having regard to the above it is considered that subject to the imposition of relevant conditions the proposal would not have a detrimental impact on road safety and will not result in a significant increase in vehicular movements within the local road network.

In addition to the above, the Site Development Guidelines for this allocated site states: *"It will be important that the site integrates with the surrounding neighbourhood, including cycle and pedestrian links. In particular a footpath link to Green Lane and Sitwell Drive should be considered."*

The current scheme proposes a new pedestrian link to Green Lane which will allow permeability through the site for pedestrians and cyclists. This will enable the site to integrate with the existing networks and will aid in the Council's Equal and Healthy Communities drive which is set out in the adopted SPD 'Equal and Healthy Communities'. Concerns have been raised regarding this access by local residents, however this is something that has

been deemed necessary as part of the Local Plan and set out in the Site Development Guidelines.

Further to the above the South Yorkshire Passenger Transport Executive (SYLTE) have stated that the majority of the site is located within 400m of services that provide up to 6 buses per hour at stops on Moorgate Road. There are also stops located on Beaconsfield Road but have assumed the Moorgate Road ones will see the biggest increase in patronage.

In order to make public transport a viable and attractive offer the infrastructure at the nearest stops on Moorgate Road should be upgraded. This would also help the applicant to meet the targets for sustainable travel within the travel plan and build on the accessible location of the development. This work would include:

- Moorgate Road/ Sitwell Drive – Southbound – new shelter to replace the old delapidated one. Shelter ends to be included where possible. Raised kerb and tactile paving to be installed at the stop to meet RMBC bus stop standards.
- Moorgate Road / Sitwell Vale – Northbound – new shelter to replace the old delapidated one. Shelter ends to be included where possible. Raised kerb and tactile paving is already installed at the stop to meet RMBC bus stop standards.

In order to complete this work a financial contribution of £35,685 would be required.

Taking the above into account, and subject to the applicant entering into a S106 agreement for the sustainability contribution, there are no reasons to refuse planning permission from a highway's perspective. Accordingly, the scheme is considered to be in compliance with the relevant paragraphs of the NPPF, Local Plan policies CS14 'Accessible Places and Managing Demand for Travel', SP26 'Sustainable Transport for Development' and SP56 'Car Parking Layout' and the relevant guidance including the Council's adopted Parking Standards, Manual for Streets and South Yorkshire Residential Design Guide.

Landscapes

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

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

The Site Development Guidelines states that consideration will need to be given to creating a strong structural landscape framework within which this development will sit. The open spaces to the east south-east and west of Swinden House and to the west of Sitwell House shall be retained. The appropriate long term management and maintenance of any existing or newly created Green Infrastructure assets within the development will need to be explored and funded.

It is of note that the developer as part of the s106 will have a Management Company to manage and maintain all areas of green space and landscaping within the site.

The amended plans from a landscape perspective are considered to satisfy the relevant policies of the Local Plan and will further enhance the character and appearance of the development itself and also within the wider surrounding areas of Moorgate and Broom. The landscape proposals in particular the enhancement of the central green space to the front of the listed Swinden House will greatly enhance its setting and improve views of the front of the building. In addition, the retention and enhancement of the Orchard in the south-west corner is strongly supported.

Further, to the above the proposal, despite the removal of a significant number of trees will not have an adverse effect on the Green Infrastructure due to the significant number of new trees being proposed as part of the development.

Therefore, from a landscape perspective and impact of the development on Green Infrastructure the Council's Landscape Design Team have raised no objections. However, they have requested the addition of conditions in respect of the phasing of the open space provision to ensure those first occupants of the site are not waiting until the final properties are built and occupied before the green space is enhanced; and other standard conditions relating to landscape implementation, landscape establishment period and landscape management plan.

Accordingly, the proposal will comply with the requirements of the NPPF and Local Plan policies, as well as the Site Development Guidelines.

Trees

In respect of trees the site is covered with a large number of trees of varying categories. The majority are located along the site's perimeter and there is an orchard within the site in the south-east corner.

The Site Development Guidelines states the site contains many trees and those trees of amenity and historic value shall be retained unless it can be shown that their future prospects are limited

The site currently has a confirmed TPO (TPO No. 1 2021) on a vast majority of the trees within the site, although there is a confirmed TPO, it would not

preclude the removal of trees from the site either as part of this application or in the future. However, in the future any proposed pruning or felling will require consent from the Council and unauthorised works would be liable to prosecution.

The NPPF and Core Strategy require improvements in green infrastructure and net gains, whilst BS5837 describes the following requirement when designing a new development scheme: *“h) the potential for new planting to provide mitigation for any losses.”*

The proposed development requires the removal of 81 individual trees (16 category U), 24 tree groups (1 category U) and the partial removal of one tree group, this equates to around 205 trees being removed in total. Their removal is required for the formation of estate roads, siting of dwellings and whilst others are dead or diseased such that their future prospects are limited.

The revised landscaping plan proposes the planting of 196 new trees, which all appear to be going into soft landscaping with no requirements for additional engineering (structured soil solutions, etc) to aid establishment. Whilst there would be a reduction in the number of trees on site, the Council's Tree Service are satisfied with the scheme. This is due to the fact that the planting plan will introduce a far wider range of species and, at nearly 200 new trees, there will be a large boost in new young trees that will help with the age diversity of the site. Both these aspects represent qualitative improvements to the tree landscape that is in keeping with good tree management.

The amenity that the trees provide, should they become established, will increase as they grow and it is believed they will more than match the lost amenity in 20-25 years, particularly if the TPO trees are retained in the scheme.

Notwithstanding the information supplied in support of this application further information / details will be required as part of a tree protection plan and method statement to account for the changes via condition. Additionally, further details on the species of trees to be planted will also be required via a condition. Therefore, subject to suitable conditions the proposed development would be acceptable in respect of tree loss and tree planting.

Ecology / Biodiversity

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

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

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

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

A Phase 1 Habitat survey was submitted as is required by the Site Development Guidelines and indicates that there is evidence of bats present in one of the buildings and there is potential fox dens on the site. The Survey provides a number of recommendations and mitigation proposals in respect of protected species. These include carrying out works to the building with bats outside of bat nesting season, works that might affect the fox dens in the spring and have regard to Wildlife Legislation by appointing an Ecologist to monitor the site. Other recommendations include the inclusion bat and bird boxes within the dwellings. These recommendations will be secured either via a suitable condition or the Council's standard informative where it falls within legislation outside of the Planning Act.

Incidental observations of hedgehog were made throughout the bat and camera trap monitoring surveys. It is recommended that the measures detailed within the Ecus PEA 2020 be adhered to. Most notably, as hedgehog have been confirmed to be present at the Site, gaps (13cm x 13 cm) should be incorporated into the base boundary treatments to allow the movement of this species between gardens at the development.

There is an existing orchard within the site that appears to have been planted some years ago by workers at the site and comprises of a number of trees in a uniformed grid pattern to the south-east corner of the site. Orchards are a Principal Habitat of Importance under the Crow Act (2006), a UK Biodiversity Habitat and Rotherham Biodiversity Habitat; for the latter two Habitat Action Plans have been drawn up. The Rotherham BAP Habitat Plan states that there should be no net loss of orchards across Rotherham. It also aims to improve the condition of traditional orchards in the Borough and prevent the loss of local fruit varieties.

The Council's Ecologist has indicated that they are supportive of the orchard being retained and enhanced. It should also be protected and does form part of the unconfirmed Tree Preservation Order no. 1 2021 at this site, whilst a management plan should be drawn up to ensure the long-term management of the orchard. The management of the Orchard and the other trees and green space areas will be secured in the s106.

Therefore, subject to conditions requiring the installation of bat and bird boxes and incorporating hedgehog runs within the boundary treatment the proposal would be despite the removal of some trees be acceptable and provide

biodiversity enhancement. In addition, informatives should be included in respect of working practices and requirements under the Wildlife Conservation Act that should be adhered to during the construction phase and in respect of any future lighting being sympathetic to the surrounding area.

Concerns have been raised by residents in respect of the impact of the development on wildlife, but for the reasons outlined above and subject to conditions and informatives regarding working practices and timing of works in the year, it is considered that the proposal would not adversely affect biodiversity and will provide net gains for biodiversity by incorporating additional trees and planting throughout the site, particularly the enhancement of the orchard and the provision of bat and bird boxes. Accordingly, the scheme would be in compliance with paragraph 170 of the NPPF and Local Plan policies CS20 Biodiversity and Geodiversity; SP33 'Conserving the Natural Environment' and SP35 'Protected and Priority Species'.

Open Space Provision

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

Policy CS22 refers to detailed policies in the Sites and Policies Document that will establish a standard for green space provision where new green space is required.

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

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

The Site Development Guidelines states that there is a significant gap in play provision is identified in this locality. A new children's play area should be provided on site and proposals for its long term management and maintenance will need to be explored and funded.

This development of 197 new homes requires the provision of 10,835 sq.m of green space to be provided to conform with policy SP37.

The retention of the large formal green space in the centre of the development and the retention of the orchard are particularly welcomed and the developer has indicated that the quantum of POS on site is over and above the figure required for 197 dwellings, which has been accepted. In addition the areas indicated for POS on the site exclude the drainage basin adjacent

Beaconsfield Road, as such all areas indicated as POS will provide an amenity benefit and also enable informal recreation, as such criteria i) of SP37 has been satisfied.

In respect of criteria iii) it is of note that there are no play facilities within 400m of this development with the closest being 1200m away at Cowrakes Lane, Whiston or 1800m away at Hollowgate, within the town centre.

The applicant has indicated on the submitted plans that there are to 4 'play nodes' located throughout the site, each providing a different play experience. Details have been provided on what type of equipment will be provided within each of the 'play nodes'. The equipment will allow for a variety of play experiences, including, jumping, balancing, climbing, amongst others.

The equipment to be provided in each 'play node' has been considered by the Council's Green Spaces department who are of the opinion that the equipment provided is appropriate for the targeted age groups and will provide the appropriate play experiences, such that criteria iii) of the SP37 and the requirement of the Site Development Guidelines are both adequately satisfied.

The Council is unlikely to adopt any new green space or play equipment, so the developer should consider the ongoing inspection and maintenance of these facilities.

Having regard to the above and subject to conditions the proposal would comply with the requirements set out in policy SP37 and offer existing and future residents sufficient public open space and play provision.

Drainage and Flood Risk

Policy CS25 'Dealing with Flood Risk' states proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. Furthermore, policy SP47 'Understanding and Managing Flood Risk and Drainage' states the Council will expect proposals to demonstrate an understanding of the flood route of surface water flows through the proposed development; control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS) and consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding problems. These policies are supported by paragraphs 163 and 165 of the NPPF.

A Flood Risk Assessment has been submitted with the application as required by the Site Development Guidelines. Yorkshire Water have indicated that the proposal should be carried out in accordance with the details set out in the FRA and this will be secured via a planning condition.

With regard to the general principles of the drainage proposal, the Council's Drainage Engineer has indicated that they are acceptable. However, the original design submitted was based on some assumptions and was not of sufficient detail for them to be confident that the drainage features as shown are viable and sufficient.

Additional information was requested and submitted which has satisfied the majority of the Council's Drainage Engineer's original concerns and whilst they have indicated there is still a considerable amount of detail still to be provided, they would have no objection to the outstanding issues being covered by planning conditions.

One concern is the location of the large and deep attenuation tank serving the east drainage network, which is shown close to proposed dwellings and may need to be altered during the detailed design phase. In addition, a more detailed exceedance plan showing floor levels and external ground levels will be required.

Having regard to the above and subject to recommended conditions the proposal will comply with policies CS25 'Dealing with Flood Risk' and SP47 'Understanding and Managing Flood Risk and Drainage' of Rotherham's adopted Local Plan and paragraphs 163 and 165 of the NPPF.

General Amenity

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

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

In respect of amenity there are two elements

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

Impact of the construction phase on existing local residents:

In relation to construction, while some noise is to be expected with development works of this scale it is important to limit the impact of the works on existing nearby residents. Good construction practice and appropriate

consideration of working hours should ensure that this occurs. This will be secured by the imposition of a condition requiring the submission of a Construction Management Plan which include details of access to the site for construction vehicles, traffic management during construction work, location of site compounds and staff parking; measures to deal with dust and mud on the highway; and details of hours of construction and deliveries. It is noted that a draft plan has been submitted which shows construction traffic will access the site via Moorgate Road and the new access to Beaconsfield Road. No other accesses for the construction phase will be used.

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

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

Concerns have been raised from residents on Barrowby Road to the east and Lane End Road to the south in respect of the height of the properties adjacent to their shared boundary and the potential for them to appear overbearing and oppressive as well as potentially affecting natural light from entering the properties. Firstly the spacing distances between the rear of the proposed properties and the rear of the properties on the aforementioned streets are in excess of the 21m distance. Furthermore, between the rear gardens of properties on Lane End Road and the rear gardens of the proposed dwellings will be a landscape buffer. Cross sectional drawings have been received to assess the impact on properties on both streets. These drawings show that there will be sufficient distance between the properties and a 25 degree vertical sight line from the neighbouring properties would clear the height of the nearest buildings. It is therefore considered that the impact on the neighbouring properties on Land End Road and Barrowby Road would not be sufficient to justify a refusal of the scheme for the reasons set out above.

However, the applicant has agreed to a condition removing permitted development rights for alterations to the roof and / or installation of dormer windows to the rear roofslopes of the properties adjacent to these gardens. The installation of rear dormer windows under permitted development could have an adverse impact on those residents and as such they should be fully assessed.

Concerns have also been raised by residents on Green Lane, and in particular the property directly adjacent to the site, whose eastern boundary abuts the site and would be in close proximity to the parking spaces that are being created for Sitwell House. The concerns raised relate to potential noise and general disturbance from cars using these parking spaces, further concerns raised relate to potential overlooking from the car parking spaces due to the proposed loss of some trees along the boundary.

In respect of the impact of the car parking spaces, whilst they have been splayed to face away from the neighbouring property it is considered that the proposed 1.8m high hit and miss timber fence would provide insufficient protection to the neighbouring residents and would allow noise to flow through and also car headlights to shine through. Accordingly, it is considered appropriate to request the details of an acoustic fence, which should be closed boarded for the length of the adjacent properties eastern boundary and this shall be secured via condition.

In respect of the removal of the trees adjacent to the boundary of the property known as Holcombe, the Council's Tree Service Manager has raised no objections. Furthermore, from an amenity aspect the area closest to the boundary will be as a parking area for the converted Sitwell House. It has been designed so that the parking spaces face away from the property and also so the nearest spaces are designated visitor spaces which will be used less frequently. Furthermore, the property in question has extended up to the boundary with a side extension which has resulted in the rear window of the extension being closer to the boundary than the original rear elevation. It is therefore considered that on balance given the use and nature of the area adjacent the boundary, the loss of the trees would not result in having a significantly adverse impact on the amenity of the occupants of the dwelling.

A further concern regarding amenity has been raised in respect of the former vehicle access from Green Lane into the site. This access has not been used for a number of years and it is the applicant's intentions which are shown on the submitted boundary treatment plan and landscape plan to close of any access to Green Lane via the previous access by installing a 1.8m high fence and also provided additional planting and grassed area.

Other concerns on amenity have been raised in respect of the proposal to create an access along the southern boundary to the footpath that links Green Lane and Lane End Road. The requirement for a linkage to provide permeability through the site and allow existing and future residents to walk from the area to the south of the site to Beaconsfield Road is outlined within the Site Development Guidelines for this allocated site. As such the inclusion of this link is welcomed. Whilst the concerns regarding anti-social behaviour are noted it is not known at this stage if this access will increase anti-social behaviour in this location, but the proposed properties close by would provide substantial natural surveillance, which should act as a deterrent. Currently there is little if any natural surveillance of the existing footpath between Green Lane and Land End Road.

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

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

Air Quality

Policy CS30 'Low Carbon & Renewable Energy Generation' states: *"Development must seek to reduce carbon dioxide emissions thorough the inclusion of mitigation measures..."* In addition regard will be had to the guidance contained within Council's adopted SPD 'Air Quality and Emissions'.

NPPF states at paragraph 110 that amongst other things applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Air quality in the Dinnington area is generally good, however emissions to air resulting from all new developments should be mitigated. The proposed development for 197 dwellings is classified as a Medium proposal as set out in the adopted Rotherham SPD 'Air Quality and Emissions'.

Box 3 of the SPD includes the following mitigation options:

- Provision of charging points for electric vehicle charging – 1 point per unit or 1 point per 10 car parking spaces in relation to shared parking.
- Consideration of air quality in designing the layout of the development;
- Provision of secure cycle storage
- Provision of incentives for the use of public transport (Travel Plan).

In respect of this application given its size and the above requirements set out in the Council's adopted SPD, whilst there are no issues in respect of air quality impact from the development and a condition should be imposed requiring details of Electric Vehicle charging points within the development to be submitted and approved before the first dwelling is occupied. As such, subject to conditions, the scheme would comply with policy CS30, the adopted SPD 'Air Quality and Emissions' and paragraph 110 of the NPPF.

Affordable Housing

In regard to affordable housing provision, Policy CS7 'Housing Mix and Affordability' states: *"...The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:*

- a. Sites of 15 dwellings or more shall provide 25% affordable homes on site..."*

With regard to the affordable housing element the applicant has netted off the Gross Internal Floor Area of the existing buildings and calculated the affordable housing requirement as 25% of the additional floorspace, which they have calculated to be 5,923sq ft (550.3 sqm). This equates to 8 dwellings and this will be secured via a s106 agreement. The split and property type to be secured to comply with policy includes 3 two bed properties and 2 three bed properties for social / affordable rent and a further 3 three bed properties for shared ownership

The applicant has also proposed to provide a further 8 units for shared ownership to be provided through Great Places Housing Association, these additional 8 units will not be secured via the s106 agreement. This is because the development can claim Homes England grant funding if the units are not S106 units – but they cannot claim this funding if they are within the S106 units. The developer will only be offering about 10% discount on these additional 8 units so grant funding is crucial to make the units viable for Great Places and such cannot be taken into account in the s106.

These additional 8 units will be three bed properties and 3 will be for social or affordable rent and 5 for shared ownership.

Therefore, having regard to the above and subject to the s106 agreement the proposal will comply with requirements of policy CS7. A condition will be appended to secure the 8 additional affordable housing units for shared ownership to be provided through Great Places Housing Association

Education

The Council's Education department have indicated that a financial contribution is required towards Secondary school provision in the area and this should be secured via a s106 agreement.

The contribution to be paid to the Council for education provision from this site would equate to £454,347 based on the Council's current adopted formulae towards Oakwood High School.

Minerals

The site is located within a Mineral Safeguarding Area, policy CS26 'Minerals' states: *"Proposals for non-mineral development within the Mineral Safeguarding Areas...will be supported where it can be demonstrated that:*

- a. the proposal incorporates the prior extraction of any minerals of economic value in an environmentally acceptable way; or*
- b. mineral resources are either not present or are of no economic value; or*
- c. it is not possible to extract the minerals in an environmentally acceptable way or this would have unacceptable impacts on neighbouring uses or the amenity of local communities; or*
- d. the extraction of minerals is not feasible; or*
- e. the need for the development outweighs the need to safeguard the minerals for the future; or*
- f. the development is minor or temporary in nature; or*
- g. development would not prevent the future extraction of minerals beneath or adjacent to the site..."*

The applicant considers it unlikely that the site would be granted future permission for extraction of minerals and the development would not have an impact on the availability of mineral resources, as such development for residential purposes is not considered a loss of a future resource. This assessment is supported and as such policy CS26 has been satisfied.

Land contamination

Currently, 18 buildings are still present on site which have formerly had a wide variety of uses. In the past 8 above ground fuel storage tanks have been located on site, along with six electrical sub-stations.

Historically, the site was in use as agricultural land until the construction of Sitwell House and Swinden House in the 1890's. In the 1950's Swinden Laboratories was constructed, with further expansion of the site occurring since then.

The application site is bounded by Beaconsfield Road to the north with residential housing beyond, to the east and south by residential housing and to the west by Moorgate Road with Rotherham General District Hospital beyond.

The Site Development Guidelines notes there is potential for contamination to exist on site. Therefore a Phase 1 site assessment report will be required with any application.

A Geoenvironmental Report along with Gas Monitoring information and a Remediation Strategy have been provided with the application.

Intrusive site investigations were undertaken in 2017 by ECUS Ltd to determine if any significant soil and groundwater contamination associated

with the historical uses of the site could impact on the proposed residential development of the site.

The site investigation works comprised the drilling of 26 boreholes and the installation of 5 groundwater/gas monitoring standpipes. 30no. soil samples from across the site were collected to assess for site wide contamination and five soil samples were collected from around the area of the electrical substations to test for PCB contamination. The soil samples were submitted to an accredited laboratory for chemical testing. At the time of the investigation a number of buildings were still to be demolished and therefore the site investigation works were significantly limited in a number of areas.

Elevated concentrations of a number of contaminants were identified in the top-soil (arsenic and lead) and in the made ground (cadmium, lead, polycyclic aromatic hydrocarbons (PAHS)) across the site, above governmental guideline values for a residential end use. Remedial works comprising of a 600mm capping layer of soil was specified as a means to break the potential pollutant linkages between the contaminated made ground and future end users of the site.

Gas monitoring was undertaken on four occasions to give a preliminary indication of the ground gassing regime. The results confirmed that negligible methane gas was detected; however, carbon dioxide gas was recorded with a maximum concentration of 5.5% (v/v) with a maximum flow rate of 0.4 l/hr. The gas monitoring data is now considered dated and further gas monitoring (6 rounds) should be undertaken to adequately assess the ground gassing regime at the site. At the time of writing the 2017 site investigation report, a Gas Characteristic Situation 2 has been assumed for the site and gas protection measures were considered necessary for each new build.

Further intrusive site investigations were undertaken in 2020 by Lithos Consulting Ltd to target areas previously inaccessible, including above ground tank and storage areas, a former lake and possible pond, and to assess for shallow coal workings in areas that were also previously restricted on site.

These site investigations comprised the excavation of 43 trial pits and the installation of 14 window sample boreholes and 11 rotary boreholes. Six samples of topsoil and 52 samples of made ground were obtained and submitted to an accredited laboratory for chemical testing.

The results of the investigations revealed that a veneer of made ground underlies the majority of the site which is typically less than 1.0m thick. The made ground contains elevated concentrations of a number of organic and inorganic contaminants and contains materials (e.g. ceramics, bricks, concrete) which would generally be considered unsuitable as a near surface material in garden areas. Three samples of made ground also tested positive for asbestos.

Localised areas of fuel/oil contamination associated with the former tank areas have also been identified.

Unfortunately, due to constraints associated with existing buildings, on-going operations and underground utilities that have prevented trial pit trenching taking place, to identify fully the nature and extent of contamination and any buried obstructions across the majority of the site, further site investigations are required.

It is considered that remediation works will be required on a site wide basis to ensure there will be no unacceptable risks posed to human health from the proposed residential development. Two remedial options have been considered but these will need to be confirmed within a dedicated Remediation Method Statement.

Gas monitoring has been undertaken on 6 occasions at 11 boreholes located across the site. The results confirmed that negligible methane gas was detected, however carbon dioxide gas was recorded with a maximum concentration of 9.5% (v/v), but at very low flow rates. As a precautionary approach, it has been recommended that development plots which might encounter coal within foundation excavations (exposing coal to air which can cause gas) be classed as a Characteristic Situation 2, which means that they will require a ventilated sub-floor void and a gas protection membrane installing that is suitably resistant against methane and carbon dioxide gas.

11 rotary probe holes were drilled to determine whether the site is underlain by unrecorded shallow mine workings. None of the boreholes that were advanced through the Shafton Coal Seam encountered evidence of workings. It is therefore considered unlikely that the site is at risk from shallow mine workings in the Shafton Seam.

In conclusion it is considered that remediation works will be required to bring the site back to a suitable condition to be protective of human health for its proposed end use. Following further site investigations, a Detailed Quantitative Risk Assessment may need to be undertaken to determine the remedial treatment/target concentrations for the site.

Other Considerations

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.

In respect of waste management requirements, it is considered that the information provided in the planning statement and design and access statement are not acceptable as regards the waste management requirements which are set out in policy WCS7 'Managing Waste In All Developments'. As such a Waste Management Plan complying with WCS7 will need to be submitted and will be secured by way of condition to any permitted scheme.

The issues in respect of the scheme being overdevelopment; the character and appearance of the proposed development and its impact on the listed buildings; the loss of trees; impact on ecology; boundary treatment; amenity; privacy; anti-social behaviour; pedestrian access and highways have been assessed and considered above, and notwithstanding the comments raised the proposals subject to conditions would be acceptable as set out in the report.

In respect of other issues raised and the potential fire risk of the bin store sited close to the boundary with properties on Beaconsfield Road, the South Yorkshire Fire and Rescue Service have raised no concerns in respect of the site fire safety. In addition, the bin store will only be for one property so will not be an industrial style bin.

A comment has been raised in respect of impact on house prices, whilst noted the impact of a development on house prices is not a material planning consideration, as it is just one of a number of variables which may or may not have an affect on the price of a property.

Conclusion

It is concluded that notwithstanding the objections received the application represents an acceptable form of development on Residential allocated land which is of an appropriate design that would not adversely affect the character or appearance of the locality or the setting of heritage assets within the site. Furthermore, subject to conditions, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or drainage, ecological, environmental or land contamination issues, while providing some affordable housing. The application is therefore recommended for approval subject to conditions and the signing of a s106 agreement for the provision of affordable housing on site and financial contributions towards promotion of sustainable travel measures, bus stop improvements and education provision.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 19, 20, 24 and 33 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 19, 20, 24 and 33 are fundamental to the acceptability of the development and the nature of the

further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

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

2068-NTN-XX-DR-001-Site Location Plan, received 12 October 2020

2068-NTN-XX-DR-008-Planning Layout rev G, received 9 April 2021

2068-NTN-X-DR-101-Materials Plan rev B, received 14 April 2021

2068-NTN-XX-DR-700-Boundary Treatment Plan rev C, received 14 April 2021

New Dwellings

HAL-X2-PL, received 12 October 2020

HAL-X2-EL, received 12 October 2020

HAL-X3-PL, received 12 October 2020

HAL-X3-EL, received 12 October 2020

WEN-X2-PL, received 12 October 2020

WEN-X2-EL, received 12 October 2020

CAD-X2-PL, received 12 October 2020

CAD-X2-EL, received 12 October 2020

BAM-X2-PL, received 12 October 2020

BAM-X2-EL, received 12 October 2020

BAM-X3-PL, received 12 October 2020

BAM-X3-EL, received 12 October 2020

CAM-AS-PL, received 12 October 2020

CAM-AS-EL, received 12 October 2020

CAM-OP-PL, received 12 October 2020

CAM-OP-EL, received 12 October 2020

HAR-AS-PL, received 12 October 2020

HAR-AS-EL, received 12 October 2020

HAR-OP-PL, received 12 October 2020

HAR-OP-EL, received 12 October 2020

HAR2-AS-PL, received 12 October 2020

HAR2-AS-EL, received 12 October 2020

HAR2-OP-PL, received 12 October 2020
HAR2-OP-EL, received 12 October 2020
HARBAM-AS-PL, received 12 October 2020
HARBAM-AS-EL, received 12 October 2020
HARBAM-OP-PL, received 12 October 2020
HARBAM-OP-EL, received 12 October 2020
HAR2BAM-AS-PL, received 12 October 2020
HAR2BAM-AS-EL, received 12 October 2020
HAR2BAM-OP-PL, received 12 October 2020
HAR2BAM-OP-EL, received 12 October 2020
RIC-X2-PL, received 12 October 2020
RIC-X2-EL, received 12 October 2020
RI2-X2-PL, received 12 October 2020
RI2-X2-EL, received 12 October 2020
KEN-AS-PL, received 12 October 2020
KEN-AS-EL, received 12 October 2020
KEN-OP-PL, received 12 October 2020
KEN-OP-EL, received 12 October 2020
HOL1-EL1, received 8 February 2021
HOL1-EL2, received 8 February 2021
HOL1-PL1, received 8 February 2021
HOL1-PL2, received 8 February 2021
HOL1-PL3, received 8 February 2021
HOL2-EL1, received 8 February 2021
HOL2-EL2, received 8 February 2021
HOL2-PL1, received 8 February 2021
HOL2-PL2, received 8 February 2021
HOL2-PL3, received 8 February 2021

Garages

9010 rev 1, received 12 October 2020
9030 rev1, received 12 October 2020

Conversion Plans

LLC1038-110, received 12 October 2020
LLC1038-112B, received 12 October 2020
LLC1038-120, received 12 October 2020
LLC1038-121, received 12 October 2020
LLC1038-122, received 12 October 2020
LLC1038-123, received 12 October 2020
LLC1038-124, received 12 October 2020
LLC1038-125, received 12 October 2020
201 rev A, received 12 October 2020
302-01, received 12 October 2020
302-02, received 12 October 2020
301, received 12 October 2020

Landscape Plans

GL1438 01E, received 14 April 2021
GL1438 02E, received 14 April 2021
GL1438 03E, received 14 April 2021
GL1438 04E, received 14 April 2021
GL1438 05A, received 14 April 2021

Reason

To define the permission and for the avoidance of doubt.

Materials

03

The materials to be used in the construction of the external surfaces of the new build dwellings hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing no 2068-NTN-X-DR-101-Materials Plan rev B. The development shall thereafter be carried out in accordance with these details.

Reason

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

Boundary Treatment

04

Notwithstanding the details shown on plan 2068-NTN-XX-DR-700-Boundary Treatment Plan rev C, further details of the design, materials and type of boundary treatment to be erected on the site shall be submitted to and approved by the Local Planning Authority. The boundary treatment shall include at the base gaps 13cm x 13cm to allow movement of hedgehogs through the site. The approved boundary treatment shall be completed before the first dwelling in each phase is occupied.

Reason

In the interests of the visual amenity of the area.

05

Notwithstanding the details shown on plan 2068-NTN-XX-DR-700-Boundary Treatment Plan rev C, details of a 2m high closed boarded acoustic fence shall be submitted for the length of the boundary which runs between points A and B on the attached plan. The approved details shall be implemented prior to the car park to Sitwell House being first brought into use and shall thereafter be retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason

To prevent light and noise pollution from the car parking area and in the interests of the amenity of neighbouring residents.

Conservation / Listed Buildings

06

Prior to any works commencing on the Lodge House, Swinden House, Sitwell House or the former Stable Block buildings details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to the Local Planning Authority or samples of the materials shall be left on site, and the development shall thereafter be carried out in accordance with the approved details/samples.

Reason

In the interest of the special interest of the listed and curtilage listed buildings and its setting.

07

All new windows and doors to the Lodge House, Swinden House, Sitwell House and the former Stable Block buildings, including colour treatment shall be submitted at a scale of 1:10 and agreed in writing with the Local Planning Authority prior to their installation.

Reason

In the interest of the special interest of the listed and curtilage listed buildings and its setting.

08

All new rainwater goods to the Lodge House, Swinden House, Sitwell House and the former Stable Block buildings shall be cast iron or cast aluminium painted black unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of the special interest of the listed and curtilage listed buildings and its setting.

Highways

09

The development shall not be brought into use until a signal controlled pedestrian crossing of Moorgate Road as shown in draft form on Drg No LTP/4430/C2/12/02 Rev A has been provided in accordance with details which shall have been submitted to and approved by the Local Planning Authority.

Reason

In the interests of highway safety and sustainability.

10

The development shall not be occupied until details of proposed level boarding i.e. raised kerbs and clearway road markings at the two relocated bus stops on the site frontage with Beaconsfield Road have been submitted to

and approved by the Local Planning Authority and the approved details shall be implemented before the first occupation of the development.

Reason

In the interests of highway safety and sustainability.

11

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.

12

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

Reason

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

13

Before work commences on the new internal road layout details of road sections, construction and drainage details of adoptable roads shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

14

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

Reason

In order to promote sustainable transport choices.

15

The existing vehicular access on the site frontage to Beaconsfield Road shall be permanently closed and the kerbline / footway reinstated before the development is brought into use.

Reason

In the interests of road safety.

Drainage

16

The development shall be carried out in accordance with the details shown in the submitted Flood Risk Assessment prepared by Eastwood & Partners (Report dated 29 September 2020), unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of satisfactory and sustainable drainage.

17

Notwithstanding the submitted drawings, a foul and surface water drainage scheme for the site, shall be submitted to and approved in writing by the Local Planning Authority and construction of roads or dwellings shall not begin until such approval has been received. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. Until the approved scheme has been fully implemented, temporary arrangements shall be put in place to limit discharge to rates agreed by Yorkshire Water. The scheme to be submitted shall demonstrate:

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

Reason

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

18

Notwithstanding the submitted documents, a flood route drawing shall be submitted to and approved in writing by the Local Planning Authority. Construction of roads or dwellings shall not begin until such approval has been received. The drawing shall show how exceptional flows generated within or from outside the site will be managed, including overland flow routes, internal and external levels and design of buildings to prevent entry of water.

The development shall not be brought into use until such approved details are implemented.

Reason

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

Trees

19

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

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

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

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

*Using the most recent revision the of the Standard

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

Reason

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

20

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

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

A tree monitoring program to include:

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

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

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

Reason

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

Ecology

21

Prior to construction works above ground level details of bat & bird boxes, including their design and siting, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within a timeframe to be agreed with the Local Planning Authority and shall thereafter be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

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

Air Quality

22

Before the first dwelling is occupied, a plan for the installation of Electric Vehicle charging points within the development, including their location, shall be submitted to and approved in writing by the Local Planning Authority. The electric charging points shall be installed in accordance with the approved details within a timescale to be agreed in writing and shall thereafter be maintained as such.

Reason

In the interests of air quality and to provide appropriate facilities for electric vehicles.

Communication

23

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.

General Amenity

24

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

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the construction work;
- the location of the site compound and staff parking;
- the location of the storage / loading / unloading of materials;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of site security
- details of proposed hours of construction on/deliveries to the site;
- details of the quality of soil and its movement and temporary storage during construction;
- details of dust and mud suppression on site and local roads, taking guidance from (Control of Dust and Demolition Activities)(Feb 2003);
- details of measures to deal with stockpiling onsite to prevent any littering or dust nuisance;
- guidance measures when dealing with subcontractors;
- measures to deal with complaints from the site, including details of contact person;
- if generators are to be used on site, what measures are to be provided to prevent noise nuisance;
- vehicles to be sheeted when leaving the site;
- Consideration of BS:5233:2014 Guidance on Sound insulation and noise;
- Consideration of BS:5228:2009 Code of practice for noise and vibration control on construction and open sites;

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of residential amenity and highway safety.

Land Contamination

25

Post demolition of all remaining buildings/structures on site, supplementary site investigation works will need to be undertaken in areas previously inaccessible, to confirm the nature, presence, and extent of contamination within these areas and the risk it presents to human health and controlled waters. Subject to the findings of the investigation works, a Detailed Quantitative Risk Assessment (DQRA) may need to be undertaken to determine the remedial works/target concentrations required for the site. The investigation and subsequent risk assessments must be undertaken by competent persons and a written report of the findings must be produced. The

written report is subject to the approval in writing of the Local Planning Authority.

The above should be conducted in accordance with the Environment Agency's 'Land Contamination Risk Management (LCRM) Guidance, published October 2020 and Contaminated Land Science Reports (SR2 -4).

Reason

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

26

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

Reason

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

27

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

Reason

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

can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

28

The foundation design shall be in accordance with sections 14.4.43 – 14.6.2 (pages 60 – 61) of the above report entitled 'Geo-Environmental Appraisal – Land at Moorgate, Rotherham – prepared by Lithos Consulting Limited, dated April 2020, reference 3563/1' and in accordance with the findings of further site investigations required at condition 25 above.

Reason

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

29

As per drawing no. 3563/10 entitled 'Gas Measures Zoning Plan, dated 4/6/20 located with the document 'Gas Risk Assessment – Swinden Technology Centre, Moorgate, Rotherham - prepared by Lithos Consulting Limited, dated 31st May 2020, reference 016/3563/MJT/CC' – which identifies the plots which are likely to be underlain by coal; these plots will require gas characteristic situation 2 mitigation measures comprising of a ventilated sub-floor void and gas protection membrane being installed. Details of the gas protection membrane to be used along with drawings to show how the membrane will fit into the overall building design shall be forwarded to this Local Authority for review and comment. Installation of the gas protection measures is to be verified on the 1st plot and 1 in 20 plots thereafter to confirm the ventilated sub-floor void and gas membrane meet the required standards as identified with the Gas Risk Assessment Report. All inspection reports will be forwarded to the Local Authority for review and comment. If any foundations for plots identified outside of the zones shown in drawing 3563/10 encounter significant thicknesses of coal, then these plots will need to be upgraded to CS2 measures.

Reason

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

30

If subsoil/topsoil is required to be imported to site for remedial and garden/soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination.

Reason

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

31

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

Reason

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

Waste Management Plan

32

Prior to the development being first occupied a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will need to include:

- 1) information on the amount and type of waste that will be generated from the site;
- 2) measures to reduce, re-use and recycle waste within the development, including the provision of on-site separation and treatment facilities (using fixed or mobile plants where appropriate);
- 3) an assessment of the potential to re-use or adapt existing buildings on the site (if demolished it must explain why it is not possible to retain them);
- 4) design and layouts that allow effective sorting and storing of recyclables and recycling and composting of waste and facilitate waste collection operations during the lifetime of the development;
- 5) measures to minimise the use of raw materials and minimise pollution of any waste;
- 6) details on how residual waste will be disposed in an environmentally responsible manner and transported during the construction process and beyond;
- 7) construction and design measures that minimise the use of raw materials and encourage the re-use of recycled or secondary

- resources (particularly building materials) and also ensure maximum waste recovery once the development is completed; and
- 8) details on how the development will be monitored following its completion.

The agreed details shall be implemented and thereafter maintained.

Reason

To minimise the amount of waste used during the construction and lifetime of the project and to encourage the re-use and recycling of waste materials on site.

Archaeology

33

Part A (pre-commencement)

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:

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

Part B (pre-occupation/use)

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

Reason

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

Restrictions

34

Notwithstanding the provisions of Schedule 2, Part 1, Class B and C of the Town and Country Planning (General Permitted Development) Order 2015, as amended, no extensions / alterations to the rear roof slopes of properties at plots 87 to 97 and plots 108 to 117 as shown on drawing 2068-NTN-XX-DR-008-Planning Layout rev G shall be carried out without the prior permission of the local planning authority.

Reason

In order to restrict the potential for development in the roofspace which may result in overlooking and as such would need to be fully assessed.

Landscapes

35

Prior to commencement of above ground works a Public Open Space Phasing Plan shall be prepared, submitted and agreed in writing with the Local Planning Authority. The Phasing Plan shall set out the timescales for the delivery of public open space provision across the site and within the context of each geographical phase of development.

Reason

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

36

All Plot and structural planting, seeding and/or turfing forming part of the approved details of Non-Public Open Space landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or the completion of that part or phase of development to which it relates, whichever is the sooner.

Reason

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

37

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

Reason

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

38

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape and public open space and other communal vegetation areas shall be submitted to and approved by the Local Planning Authority prior to the completion of the first occupation of the part or phase of development to which it relates, whichever is the sooner. The management shall thereafter be carried out in accordance with the agreed management scheme for the lifetime of the development.

Reason

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

Informatives

01

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

02

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.

It is recommended that any vegetation clearance (includes all ground level vegetation as well as standard trees and scrub) undertaken within the site is conducted outside of the breeding bird season (March – end August inclusive) or in accordance with checking surveys undertaken by appropriately qualified ecologists prior to and during the construction phase of the development.

It is also recommended that whilst fox do not receive a high level of legal protection, it is suggested that fox holes should be carefully dug out rather than filled in or bulldozed to consider the welfare of the animals and enable them to escape should they be present in the holes. Vixens and cubs are most reliant upon a breeding den during spring months therefore, vegetation clearance and infilling of the den should be avoided until later in the year, when cubs have weaned and left the den.

It is further recommended that any external lighting to be installed shall meet the guidance provided by the Institute of Lighting Engineers in their document “Guidance Notes for the Reduction of Light Pollution”, so as to avoid any adverse impact on habitats.

03

It is recommended that the development is designed and built to Secured by Design standards (www.securedbydesign.com). It is advised that:

- The entrances into the development should be marked, by two brick built piers or columns and by a rumble strip across the road surface, this will denote the change of public to semi-public space.
- A number of the house types have blank gable ends these would benefit from having windows in them to provide extra surveillance over the area.
- To prevent access to the rear of the properties a 1.8m high lockable gate should be used as near to the front building line as possible.
- Front and back entrances should be well lit, fitted with bulkhead style light above tamper height operating an LED bulb or similar on a dusk to dawn sensor and providing illumination the BS 5489.
- All front boundaries should be to a maximum height of 1 metre with any trees canopied to two metres.
- All rear boundaries should be 1.8m high to prevent access into rear gardens, and should be of a wooden close boarded construction. In addition, any garage doors should comply with LPS 1175 SR 2.
- For Swinden, Sitwell Houses and retained buildings the communal access doors should be to LPS 1175 SR 2 or better. All communal areas corridors and stairwells should be lit 24/7, although activation on movement sensor may be acceptable.
- Flat doors themselves must comply with PAS 24: 2016.
- I am aware that within the retained buildings there may be some conflict between the requirement for PAS 24: 2016 windows and the current glazing. This can be overcome with the use or addition of internal secondary glazing systems any number of which can be sourced from suppliers on the secure by design website – www.securedbydesign.co.uk.

04

Access for appliances should be in accordance with Approved Document B, Volume 1, part B5, Section 13.

05

Where necessary water supplies should be in accordance with Approved Document B, Volume 1 part, B5 section 14.

06

Subject to Section 55 of the South Yorkshire Act 1980, South Yorkshire Fire & Rescue now have pump appliances with a gross weight of 18 tonnes which is significantly heavier than indicated in ADB 1, section 13.

07

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.

08

Listed Building Consent would be required for any subsequent alterations to the listed and curtilage listed buildings which affect their special interests. This would include the attachment of satellite dishes, gas/electricity meter boxes, alarm boxes and other such devices. Please contact the Planning Service for further advice prior to attaching any such devices.

09

The proposed scheme will require three Traffic Regulation Orders for the waiting restrictions and one-way scheme. Please note that these Orders can take up to 12 months to process and it is recommended that the developer starts proceedings as soon as possible.

10

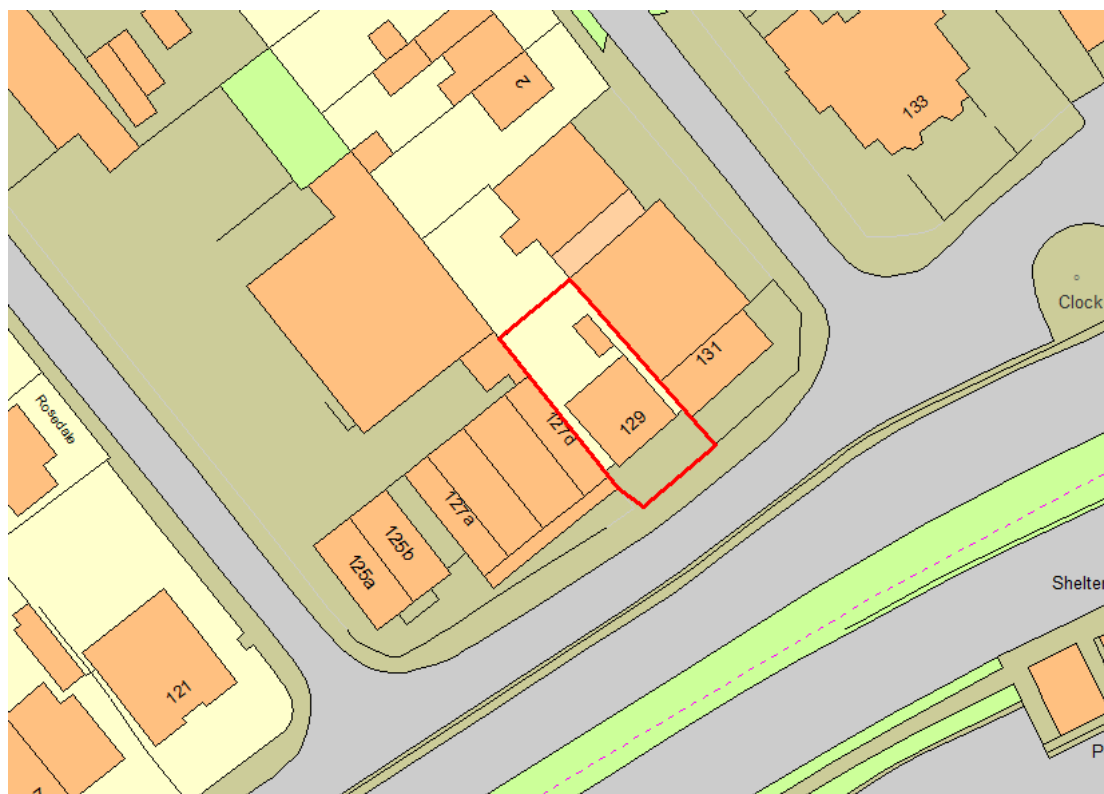
Please note that with regard to condition 38, A Management Plan may be expected to set out, graphically and / or in writing, the overall functional and aesthetic objectives of a landscape scheme and the steps such as legal arrangements including ownership and management responsibilities, planned maintenance 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.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2021/0097 https://rotherham.planportal.co.uk/?id=RB2021/0097
Proposal and Location	Change of Use to drinking establishment (Use Class Sui Generis) with decking area to front for seating pods, 129 Bawtry Road, Wickersley.
Recommendation	Grant Conditionally

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



Site Description & Location

The application site relates to an existing restaurant which is located on a service road adjacent to the classified Bawtry Road on the northern side of Wickersley centre. The site is located outside of Wickersley Conservation Area.

Immediately adjacent to the site to the west and east are other commercial properties comprising mainly of eating and food establishments (including The Yard, China Kitchen and Urban Kitchen). Some of these premises have outdoor seating areas to the front of the properties.

The property has recently been renovated internally and externally and was last used as a restaurant (The Branded Burger company) with a reception bar area and has had various extensions and modifications carried out to the external area.

Background

The site has the following relevant planning history:

In the 1970s the property was converted from residential use to a shop.

RB2015/0297 - Change of use to Class A1 (shops) and Class A3 (restaurants and cafes) - granted

RB2016/1031 – illuminated signage – granted

RB2016/1092 – formation of paved area to the front – granted

Proposal

This application seeks permission for the change of use of the existing restaurant into a micropub (Use Class Sui Generis). A secondary proposal is for the installation of a decking area to front of the property which includes seating pods.

Development Plan Allocation and Policy

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

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

Local Plan policy(s):

CS28 'Sustainable Design'

SP19 'Development Within Town, District and Local Centre'

SP21 'Secondary Shopping Frontages'

SP52 'Pollution Control'

SP55 'Design Principles'

Other Material Considerations

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

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

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

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

In addition in September 2017 Wickersley Parish Council prepared a draft Neighbourhood Plan. The most relevant elements are as follows:

Section 6.0 District Centre

Drinking establishments

Applications for A4 uses will be assessed on their impact on the diversity of uses in the district centre and their impact on residential amenity. A threshold may be set to limit the total number of A4 uses in the district centre.

POLICY VC1: DRINKING ESTABLISHMENTS

Drinking establishments or mixed uses including drinking establishments will only be permitted within the defined District Centre boundaries where they would not result in more than 5% of the total number of units being used for that purpose.

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 2 letters of representation and a petition from the Parish Council containing 6 names and addresses has been received. The concerns raised have been summarised as follows:

- Extending the size of the premises will increase the amount of people visiting the premises, which in turn will increase noise levels from people drinking/eating inside/outside without consideration for local residents.
- Wickersley centre now attracts customers from a wide area and does not just cater for the local community in the way it did in the past.
- There are currently 10 licensed premises within Wickersley 7 of which are restaurants (often with bars) and 4 drinking establishments which are now classed as sui generic uses.
- Out of a total of 88 units within the centre, this represents 12.5% of the units comprising licensed premises. The majority (8) of these premises are located on the north side of Bawtry Road close to residential properties and all of the drinking establishments.
- By comparison, Rotherham Town Centre has 29 restaurants and drinking establishments which represents 10% of the total number of units despite planning policy which seeks to focus the night time economy in that location.

- It is not just the number of such establishments that have increased in Wickersley in recent years, it is also the intensity of use. Three of the drinking establishments (Mason's, Olive Lounge, and Three Horseshoes) have outside bars that normally attract large numbers of people to congregate to the front and sides of the buildings especially in the summer months.
- Most of the restaurants have licenses until at least midnight at weekends and the bars/pubs until 1 or 2 am. It is this late noise and activity associated with the bars in particular which causes the most nuisance for local residents.
- Rotherham Council has recently designated Wickersley as a Cumulative Impact Zone (CIZ) under licensing legislation in recognition that Wickersley centre does not have the required infrastructure to deal with a large and sustained evening economy.
- Following extensive consultation, the Council concluded that the number of licensed premises within Wickersley is at such a level that no further licenses or variations to licenses should be granted unless it can be demonstrated that they would not impact any further on the cumulative impact of existing licensed premises.
- 42 noise complaints to Environmental Health had been made since 2016 and residents cited three main areas of concern at the consultation sessions;
 - Outside drinking and live music in gardens and terraced areas in summer months
 - Noise from customers leaving premises and staying in the area after licensed hours
 - Noise from premises staff after licensed hours
- With regard to crime and disorder, crime data for the area including Wickersley centre showed that....Taking all offences into account, 65% of all crime in Wickersley West could be linked to the night-time economy within the area.
- From the responses received from local residents to the CIZ proposal it is clear that whilst the sheer concentration of licensed premises in Wickersley is leading to problems for local residents, it is the bars and pubs that cause the most issues.
- Wickersley Parish Council is currently producing a Neighbourhood Plan and has just completed its consultation on the Draft Plan. As part of the initial consultation a residents survey was carried out and the number of pubs and bars was cited as the second most common response to the question of what was their least favourite thing about Wickersley. 35% of respondents wanted to see fewer drinking establishments with a further 58% saying the number was about right. There was less concern about restaurants.
- The current proposal to change the use to a drinking establishment, especially one with outdoor seating and

outside bar, is a very different operation to that of its previous use as a low key cafe/restaurant. Firstly, the proposal would very significantly intensify the use of the premises by reason of the number of customers that could be accommodated both within and outside the premises especially if, like other such premises, there was a significant amount of vertical drinking in addition to any seated areas.

- Policy SP52 of the Rotherham Local Plan on pollution control only permits development proposals that are likely to cause pollution (including noise pollution) where mitigation measures can be put in place to protect public health, environmental quality and amenity. No such mitigation measures have been put forward as part of this application, nor are any likely to be possible given the nature of the proposed use and proximity of residential areas.
- Wickersley Parish Council request that this planning application be refused on the grounds that it would intensify the use of these premises for consumption of alcohol and lead to an unacceptable impact on residential amenity. It would also add to the existing problems of noise and disturbance, crime and anti-social behaviour already being experienced by local residents from the high concentration of uses associated with the night time economy in Wickersley.

In response to the concerns raised, the applicant has provided the following comment:

“First and foremost, I am aware that Wickersley is in a Cumulative Impact Zone and I have already spoken to the licencing department regarding this. I have also spoken to them regarding my plans for an outside decking area and change of use, and if granted the planning, the steps I will take to prevent the issues that have been raised.

Furthermore, the issue of people spilling onto the pavement will be avoided as we will still be serving customers through table service to prevent overcrowding. If customers do not have a table or a barrel to stand at, they cannot be served. This will help staff control if people are too intoxicated to continue drinking, and control age verification, for example a customer underage could not send someone to the bar to be served on their behalf. As well as this, we will still be running a food menu, and always will be. The business will still be running as a restaurant; however, we simply want the flexibility to serve alcohol without food to have a few drinks before a meal elsewhere in the area, or vice versa.

Regarding the outside bar, this is simply to assist the bar situated inside during busy periods e.g., summer weekends. As we are a small venue, I do not feel the inside bar could cope during these times, however as stated above, this will still be table service. Currently the government is pushing for outdoor activity due to Covid-19, although this may not be long term, the threat of viral infections or possibility of another future pandemic is always

present so having an outdoor area will give us the means to survive if a pandemic arises again. We can also offer outdoor seating to keep both customers and staff safe.

Our outside pod seating will minimise the issues regarding noise pollution as it will minimise people sat/stood fully outdoor. Following on from this, the size of our venue as well as the size of our outdoor plans, will still be small and less than 50 covers inside and out.

In conclusion, I feel that the size of our premises including the plans for outside, coupled with the fact we will still be operating table service only, alongside a food menu and the fact that our location has no residents in the immediate vicinity, will make minimum impact to the local community and residents.

I am hoping that the objection is reconsidered due to the points I have made in order to support a local business, especially during these difficult times."

Consultations

RMBC

Transportation Infrastructure Service – no objections.

Environmental Health (Licensing) – no objections on planning grounds

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of development
- Impact on neighbouring amenity
- Impact on visual amenity and surrounding area
- Highways
- Other Considerations

Principle of Development

The site lies within a commercial area on the northern edge of Wickersley District Centre. The principle of this use as a restaurant was established by the change of use application in 2015. The proposed change of use to a drinking establishment will not result in any additional loss of a retail unit.

It is noted that a substantial objection has been received from Wickersley Parish Council that the change of use and extension should not be approved. This is mainly on the grounds that the cumulative impact that a further change of use to a licensed drinking establishment will further erode the function of Wickersley centre as a daytime retail centre as well as further contributing to the potential for additional noise, general disturbance as well as the potential for further anti-social behaviour.

Policy SP 21 'Secondary Shopping Frontages' indicates

Within Secondary Shopping Frontages in addition to A1 shops, proposals for A2 financial and professional services, A3 restaurants and cafés, A4 drinking establishment uses, D1 non-residential institutions and D2 assembly and leisure at ground floor level will be supported where it can be demonstrated that they would:

- a. not dilute the concentration of A1 shops in the Secondary Shopping Frontage below 30%; and*
- b. make a positive contribution to the vitality of the main shopping area...*

In this regard, it is understood that the existing restaurant is a licenced property, though it is acknowledged that the majority of patrons are likely to be eating rather than just drinking at the premises. However, it is likely that there may be an element of crossover between the existing use as a restaurant the proposed use as a bar. The objection from Wickersley Parish Council raises particular concern about the increase in drinking only establishments which can also increase the overall capacity of the premises.

The applicant has indicated that food is intended to be served within the new use and whilst the use being applied for is now as a drinking establishment (Use Class Sui Generis) it is considered there is a degree of crossover between this sort of use and the existing restaurant use (within Use Class E). the applicant indicates that the use is intended to go from a restaurant that serves alcohol to a bar that served food. Accordingly from a use class perspective it is considered that the bar will share a number of the characteristics of the current use, albeit with a higher proportion of patrons drinking relative to eating.

Wickersley Parish Council are aware that a recent consultation about licensing policy attracted a large number of local residents who complained about the increasing number of licensed premises in Wickersley which, individually and collectively, are causing problems of noise, litter, anti-social behaviour and pressure on parking, especially at weekends. The Local Planning Authority are aware that the cumulative impacts of the restaurants and bars in Wickersley is a matter of concern for local residents, however this is a relatively small extension to an existing licenced unit which is not likely to increase patronage significantly.

The licencing of these premises is considered under separate legislation and the extension of the application premises will need a variation of their alcohol licence. Accordingly, this will be considered separately to this planning application. Licensing have been consulted in this planning application and have not raised any specific concerns with the planning application.

In terms of the use classes proportions within Wickersley, due to the 2020 government change in use class category, including the current proposal the overall numbers of E Use classes is at 55 units and represents 61% of the total at the last review in September 2020 (though this would have represented 42% A1 use in the old system). There are a total of 3 A4 uses in the old system during the last few surveys (equating to 12 Sui Generis in the new system).

The site is not within the Prime Shopping Area. So the proposal would remain significantly above the 30% minimum as defined in Policy SP 21 'Secondary Shopping Frontages'. Overall therefore this element is considered to be acceptable and in accordance with planning policy.

Impact on neighbouring amenity

With regard to neighbour amenity Core Strategy Policy CS27 'Community Health and Safety' states that "Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments."

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

- a) the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.
- b) the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.

The policy further adds that "Some uses are particularly sensitive to noise. For the purposes of this policy these include, but are not restricted to: housing and residential institutions, educational establishments, care establishments such as hospitals and nursing homes, public buildings such as libraries and museums, places of worship, places of audience based recreation, offices and research establishments."

The objections raised are from Wickersley Parish Council acting on behalf of local residents who are concerned that the proposed change of use will have a negative impact on residential amenity by way of increased noise and

disturbance. The comments further state that residents already experience noise associated with people drinking/eating inside and outside together with car doors slamming from people leaving the area late at night.

in general terms the site has an adjacent boundaries with other commercial premises to the east and west and the application site does not share a direct boundary with a residential property. It is also noted that the site is relatively small in size which will restrict the number of patrons that can be served at any one time.

It is noted that the Parish Council have a particular concern with the outdoor terrace and drinking area indicating that this aspect has the potential to increase overall noise levels. However, it is noted that the area is relatively small in size (occupying an area of approximately 8m by 4m) and shows 4 pods capable of accommodating 4 people along with 3 tables with an indicative capacity of 4 people each. Overall the maximum outside capacity is likely to be in region of 30 people (with no social distancing regulations). However, it is considered that this is likely to be a maximum capacity and may not be a regular occurrence. The applicant indicates that it is anticipated that approximately 50 covers inside and out would be expected. It is noted that the outdoor seating area is along the southern elevation facing the main road and noisier main commercial centre rather than the more sensitive residential uses to the north. It is also noted that the earlier 2015 permission did not impose maximum hours of use. However, it is considered necessary to restrict the use of the terrace by up to a maximum of between 08:00 and 22:00 hours at Friday and Saturday and up to 21:00 hours during Sunday to Thursday in order to safeguard residential amenity. The applicant has requested the use of the premises until 2300 hours. Whilst there are no objections to these within the main building, these hours on the terrace is considered to have the potential for a much greater impact on surrounding residential amenity. It is considered that the terrace should therefore be more strictly regulated hours.

Overall, and whilst taking into account the objections received it is considered that the change of use to a bar in this location would not in itself generate new amenity issues the positioning of the outdoor terraced area faces the roadside frontage rather than the more sensitive residential areas to north and it is not considered that a refusal could be substantiated in this instance. Having considered all of the above, the proposed development is therefore considered to accord with the requirements of Policies CS27 and SP52 in that it will not have an unacceptable impact on residential amenity.

Impact on visual amenity

In assessing the proposed design of the proposals in relation to the existing building, 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.

Policy SP55 Design Principles goes on to state that All forms of development are required to be of high quality, incorporate inclusive design principles,

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

The principle elevation of the proposed extension is located on the front elevation of the property, fronting Bawtry Road. The proposed seating area is modest in scale and is not considered to significantly alter the appearance of the existing building. The proposed works are considered to be minor and the proposed extended seating area and change of use are considered to be acceptable in design terms and will preserve the character and appearance of the existing unit.

Highway Considerations

The Transportation Unit note that an outside seating area is proposed on the site frontage. Subject to this being clear of the public highway and bearing in mind the site is located in the village centre with good access to public transport and car parking facilities they have no objections to the granting of planning permission in a highways context.

In conclusion therefore, parish council's comments are noted; however it is not considered that the small scale nature of the proposals will have a negative impact on highway safety by reason of increased on-street car parking.

Conclusion

Having regard to the above it is concluded that the proposed development represents an acceptable form of development in this locality that will be in keeping with its character and appearance and would not adversely affect the amenity of neighbouring residents or highway users. Accordingly, for the reasons outlined in this report the development would comply with relevant national and local planning policies and is subsequently recommended for approval subject to conditions.

Conditions

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in

accordance with the submitted details and specifications and as shown on the approved plans (as set out below)
(Drawing numbers site plan 2020-114-01, block plan 2020-114-02, elevations 2020-114-03)(received 22/01/21).

Reason

To define the permission and for the avoidance of doubt.

03

The external materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing no elevations ref 2020-114-03. The development shall thereafter be carried out in accordance with these details.

Reason

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

04

The outdoor seating area and pod structures hereby approved shall only be used during the following hours:

Monday-Thursday 0800-2100

Friday & Saturday 0800-2200

Sunday 0800-2100

Reason

To define the permission and to protect the amenity of the surroundings.

05

No external music shall be played outside the premises.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with the Local Plan.

POSITIVE AND PROACTIVE STATEMENT

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

A GUIDE TO ENABLE PUBLIC PARTICIPATION IN VIRTUAL MEETINGS ORGANISED BY ROTHERHAM COUNCIL

An information guide on Microsoft Teams.

Date	Author
June 2020	Blake Wetherill (Support & Provisioning Manager - Customer, Information & Digital Services) Vicky Hartley (Executive Office Manager – Democratic Services)

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HOW CAN I PARTICIPATE IN A VIRTUAL MEETING ORGANISED BY THE COUNCIL?

In order to participate in the virtual meeting organised by Rotherham Council you will need to download MS Teams software from the internet.

There is no cost to do this and you will need to allow plenty of time to do this as it can take up to 15 minutes to download.

Please do ensure that you download the MS Teams software well in advance of the meeting.

WHAT IS MICROSOFT TEAMS?



Microsoft Teams is a persistent chat-based collaboration platform complete with document sharing, online meetings, and many more extremely useful features for communications.

It is extremely user-friendly and can facilitate a work environment between remote users.

Rotherham Council has opted to use Microsoft Teams as the software of choice for virtual meetings as it enables contributions from people using a wide variety of devices, not all of whom are on the Council network. It is free for members of the public to download and offers a good level of security for all.

Further Information

Further information can be located on the Microsoft [website](#).

Video Training

If you would find it helpful to view video training direct from the Microsoft website [click here](#).

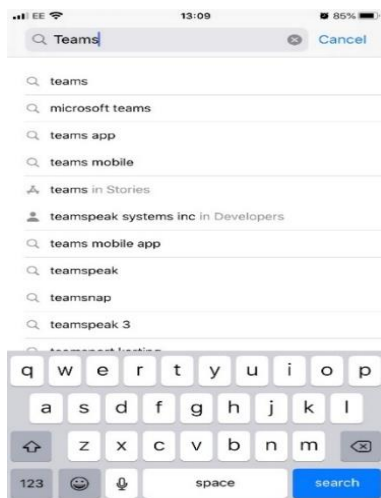
GUIDANCE ON HOW TO DOWNLOAD THE TEAMS APP

For iPhone

If you have an iPhone, click on the App store icon, it should look similar to this:



Type the word **Teams** in the search box:



The Teams app will be displayed, click on the **Get** button. The app will begin to download.



Once the app has downloaded, click on **Open** – Your device is now ready to start using Teams!



When you receive a Teams meeting invitation, once you click on the 'join the teams meeting' link, the Teams app will automatically open ready for you to take part in the meeting.

For Android and other phones



- Click the Play Store icon and type 'Teams or Microsoft Teams' in the search box.
- Click on download. Once the app has downloaded, click on **Open** – Your device is now ready to start using Teams!
- When you receive a Teams meeting invitation, once you click on the 'join the teams meeting' link, the Teams app will automatically open ready for you to take part in the meeting.

HOW TO JOIN A MEETING AS A GUEST IN MICROSOFT TEAMS

If you have been invited to a Microsoft Teams meeting, you should have received an email with a link. You can use a laptop or mobile device (tablet or phone) to take part in the meeting.

Downloading the Teams app to your device

You will need to have downloaded the Microsoft Teams app to your device in advance of the meeting. Please allow yourself plenty of time to do this as it can take up to 15 minutes.

Here is how to join as a guest:

Step 1 – The Meeting Invite

Check your email for the Teams Meeting invite and click the Join Microsoft Teams Meeting link.

[Join Microsoft Teams Meeting](#)

[Learn more about Teams](#) | [Meeting options](#)

Select the link before the meeting is due to start, to allow time for any problems you may encounter. You can add the meeting to your calendar in advance if you prefer and return to this when the meeting is due to take place.

Joining by Tele-Conference

If you are unable to join by Microsoft Teams and have specified the need to join the meeting by telephone, the diary invite will clearly specify dial-in details. The diary invite will look like this and you will need to use the allocated telephone number and conference ID pin provided.

[Join Microsoft Teams Meeting](#)

[+\[telephone number\]](#) United Kingdom, London (Toll)

Conference ID: xxx xxx xxx#

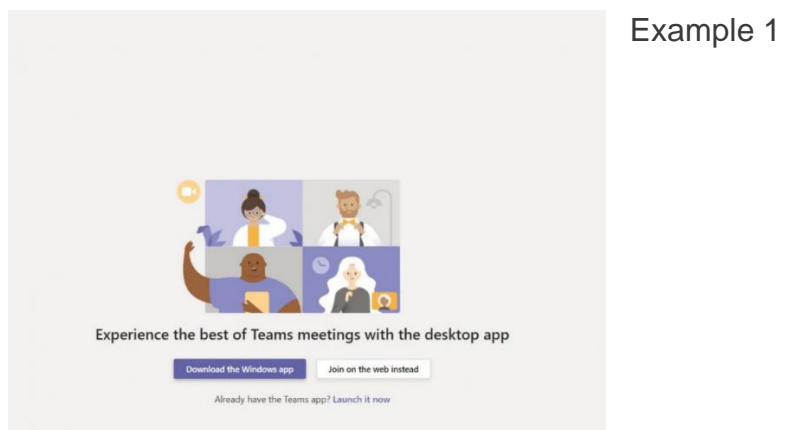
[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

Step 2 – Joining the meeting

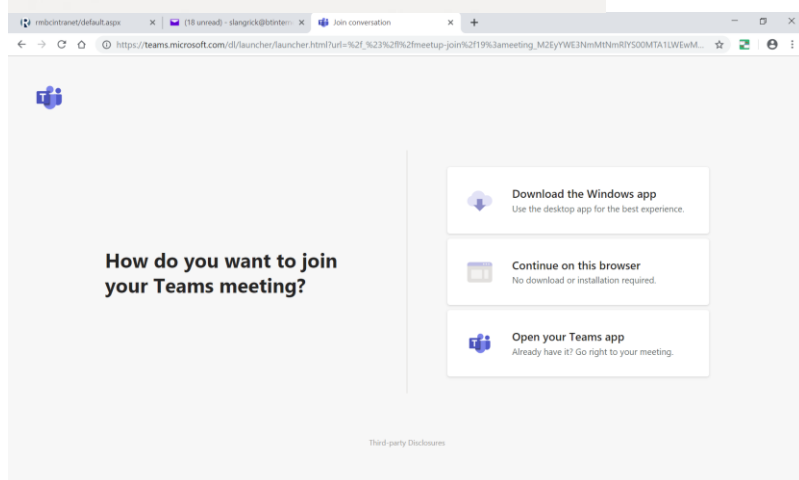
When you select the 'Join Microsoft Teams meeting link, depending on whether you've joined from a web browser or IOS or Android tablet device, there will be different options for joining.

From a Web Browser (e.g. PC or Laptop)

You will see one of the following two screens:



Example 1



Example 2

Choose to join the meeting 'on the instead' (Example 1) or 'Continue on this browser' (Example 2). Your browser will then ask you to use your webcam and microphone, so be sure to accept both. This ensures you'll be seen and heard during the meeting.

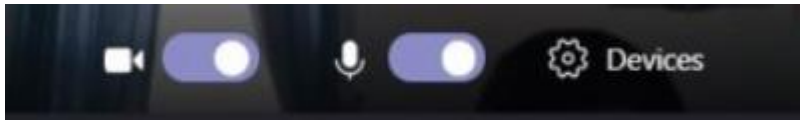
From a Mobile Device (e.g tablet or smartphone)

You will be given two options for joining your meeting: **Join as a guest** or **Sign in and join**. Choose **Join as a guest**.

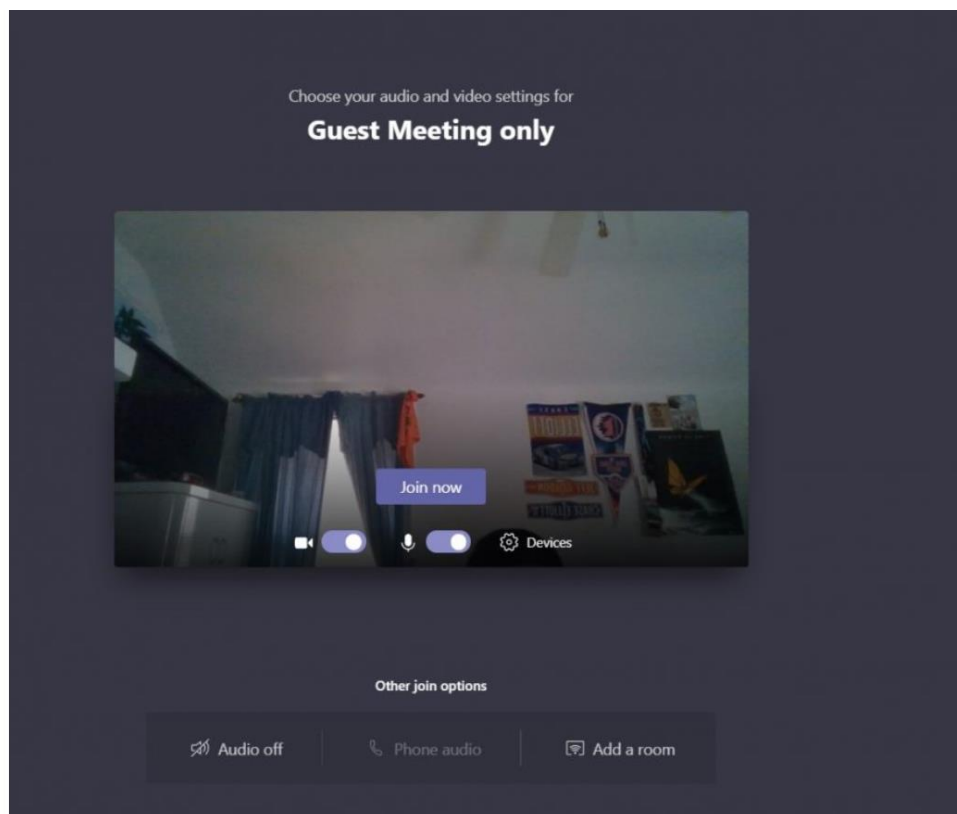


Step 3

Once you've launched Microsoft Teams, you will have to enter your name and choose your audio and video settings. You can click or tap off your microphone or camera/webcam.



Once you're ready, you can click or tap on the purple Join now button.



Step 4

Finally, you'll be put into the meeting lobby. Once you're in the lobby, the meeting organiser will be notified that you are there, and you will be admitted in.

If no one has admitted you into the meeting within 15 minutes of joining, you'll be removed from the lobby, and you will need to join again.

USEFUL TIPS FOR GUESTS IN PREPARING TO JOIN MICROSOFT TEAM VIRTUAL MEETINGS

It is advisable that you trial MS Teams beforehand so you are comfortable with the use of the software.

Testing software

Are you confident on how to access the meeting?

- Has your laptop / other hardware got a camera?
- Does your microphone work?
- Does your headset work (if using one)?
- Do your speakers work (if using those)?
- Is your iPad / Laptop fully charged and working appropriately?

Identity presentation

Ensure that you position yourself in the viewing frame so that Members/viewers can see your shoulders and face.

Treatment of other household electronic devices

Where possible, it is advisable to remove other electronic devices from the room in which you are located, or switch them off. There is a potential for interference and/or feedback during livestreaming arising from electronic equipment. Of particular note is the potential for slow connectivity when large amounts of the bandwidth are taken by other device users in the household (if at home), especially those who may be active on gaming equipment.

Telephones

Ensure that all phones, landline and/or mobiles are switched to silent throughout the course of your participation in the meeting so that you can be heard clearly.

Surroundings

Have a look at where you are planning to access the meeting. The environment should be quiet with no interruptions. You may consider how you can prevent interruptions from others in the household. A sign on the door is useful and/or verbal notification of the event.

Lighting

Can you be seen clearly? If you sit next to a light, is there a brightness that glares in your face obscuring the viewing frame. Viewers will want to be able to see who you are. Is there glare from a window behind you?

Timing of the Meeting

Meetings begin promptly so it is advisable that you are sat in the virtual lobby awaiting access at that time.

What Happens if Something Goes Wrong?

Technology

If your connection drops away from the event, you can resume by going back to the original MS Outlook invitation to the meeting and click on the Join MS Teams Meeting link again to re-join.

It will be noted if you have dropped away from the meeting and wait for you to re-enter the virtual lobby where you will be admitted at the appropriate time.

If the whole meeting ceases due to technical issues, all reasonable endeavours will be made to resume.

Inappropriate infiltration by uninvited third parties

There have been cases across the country where a handful of virtual meetings have had sabotage attempts by third parties where inappropriate content has been shared publicly both verbally and visually.

The Council may choose to temporarily adjourn the live meeting if this occurs until the third party can be exited from broadcast. This is one of the exceptional circumstances when a meeting may be paused. In this event, the meeting will be reintroduced from the point it was interrupted with explanatory wording and it will continue thereafter.

If you are waiting in the virtual lobby and an adjournment occurs, please remain waiting.