

## **PLANNING REGULATORY BOARD**

**Date:- Thursday, 13 August 2020**  
**Time:- 9.00 a.m.**  
**Venue:- Virtual Meeting**

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

### **AGENDA**

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 1)  
*(A form is attached and spares will be available at the meeting)*
5. Minutes of the previous meeting held on 23rd July, 2020 (herewith) (Pages 2 - 4)
6. Deferments/Site Visits (information attached) (Pages 5 - 6)
7. Development Proposals (herewith) (Pages 7 - 78)
8. Updates
9. Date of next meeting - Thursday, 3rd September, 2020 at 9.00 a.m.

### **Membership of the Planning Board 2020/21**

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

**SHARON KEMP,**  
**Chief Executive.**

# **Planning Regulatory Board 'Public Right To Speak'**

## **REGISTERING TO SPEAK**

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

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

## **WHEN YOU ARRIVE**

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

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

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

The Council Chamber is equipped with microphones and a hearing loop

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

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

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

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

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

## **YOUR RIGHT TO SPEAK**

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

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

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

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

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

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

## **CONDUCT OF COMMITTEE MEETINGS**

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

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

## ROTHERHAM METROPOLITAN BOROUGH COUNCIL

## PLANNING BOARD

## MEMBERS' DECLARATION OF INTEREST

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

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

**1. Disclosable Pecuniary**☐**2. Personal**☐

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

*(Please continue overleaf if necessary)*

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

Signed:- .....

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

PLANNING BOARD - 23/07/20

**PLANNING BOARD**  
**Thursday, 23rd July, 2020**

Present:- Councillor Sheppard (in the Chair); Councillors Bird, D. Cutts, McNeely, Sansome, Mallinder, John Turner, Walsh and Williams.

Apologies for absence:- Apologies were received from Councillors Atkin, M. Elliott, Short, Steele, Tweed and Whysall.

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

**98. DECLARATIONS OF INTEREST**

Councillor Sansome declared a personal interest in application RB2020/0570 (demolition of existing bungalow and erection of 1 No. dwellinghouse with detached double garage, 6 Fitzwilliam Street, Swinton for Golden Key Developments Ltd.) on the grounds that he was a Ward Councillor and an objector to the proposal. He spoke as a member of the public, then left the meeting and did not observe the vote.

**99. MINUTES OF THE PREVIOUS MEETING**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 18<sup>th</sup> June, 2020, be approved as a correct record of the meeting.

**100. DEFERMENTS/SITE VISITS**

There were no site visits nor deferments recommended.

The Chair acknowledged the request for a potential site visit on application RB2020/0570 - Demolition of existing bungalow and erection of 1 No. dwellinghouse with detached double garage, 6 Fitzwilliam Street, Swinton for Golden Key Developments Ltd., but had contacted all Planning Board Members advising them they could visit the site individually to view prior to today's meeting. This was due to the restrictions of group gatherings amid the Covid-19 pandemic.

**101. DEVELOPMENT PROPOSALS**

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

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

- Outline application for the erection of up to 70 No. dwellinghouses including details of access land East of Brecks Lane, rear of Belcourt Road, Brecks for Kilner Gray Trusts (RB2019/1891)

Ms. Janet Hodson - on behalf of the Applicant

Ms. Deborah Cox - Objector

- Change of use of stables to angler's accommodation, change of use of roofspace in two-storey building to manager's accommodation, single-storey extension, additional window/door openings and external roller shutters at Leger Lakes, East Field Lane, Laughton-le-Morthen, for Mr. Wheeler (R2020/0254)

Mr. Wheeler - Applicant

Mr. T. Stanway – Objector

- Demolition of existing bungalow and erection of 1 No. dwellinghouse with detached double garage, 6 Fitzwilliam Street, Swinton. for Golden Key Developments Ltd. (RB2020/0570)

Councillor S. Sansome (spoke and then left the meeting)

Mr. Dean Mirfin - Applicant

Mr. Robin Carnegie - Objector

A statement was read out on behalf of Mr. G. Shaw - Objector

(2) That, with regard to application RB2019/1891:-

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

- A financial contribution of £500 per dwelling towards sustainable travel measures to support the development.
- A financial contribution will be calculated in line with the Section 106 Education Contributions Policy towards Education provision.
- A financial contribution of £8,920 (25%) towards improvement to bus stop 30875 controlled by South Yorkshire Passenger Transport Executive to support the development.
- Submission of details of a LEAP (Local Equipped Area for Play) on the onsite Public Open Space area.
- Establishment of a Management Company to manage and maintain the areas of Greenspace on site.
- Affordable Housing provision at 25% of the total site. Housing types and tenures to be agreed with the Council and in accordance with the affordable housing policy CS7.

(b) subject to the satisfactory securing of such an agreement, the Council resolves to grant planning permission for the proposed development

**PLANNING BOARD - 23/07/20**

subject to the reasons for grant and conditions listed in the submitted report.

(3) That, with regard to application RB2020/0254:-

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

- This permission shall revoke the permission for 10 of the anglers' pods beside the associated lakes that were approved under planning permission RB2015/1458.
- No replacement stables shall be applied for on any part of the land.
- The occupation of the flat which is to be created in the roofspace of the two-storey building on site as part of this application shall be limited to persons solely or mainly working at the site in association with the fishing ponds use. Should the fishing ponds close the accommodation shall cease use.

(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.

(4) That application RB2020/0570 be granted for the reasons adopted by Members at the meeting and subject to the relevant condition listed in the submitted report.

**102. UPDATES**

The following update information was provided:-

The Head of Planning and Building Control confirmed changes as per the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020, which would come into force on 31<sup>st</sup> August 2020.

A brief summary was provided on how this affected future developments and how it now facilitated multi-floor extensions with prior notice approval. A full briefing note would be provided to all Members once the detail of the emergency legislation was clear.

It was also suggested that an all Member Seminar/training session be also arranged to highlight the changes for Members.

**103. DATE OF NEXT MEETING**

Resolved:- That the next meeting of the Planning Board take place on Thursday, 13<sup>th</sup> August, 2020 at 9.00 a.m.

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

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



## **SITE VISITS**

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

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THE 13 AUGUST 2020**

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

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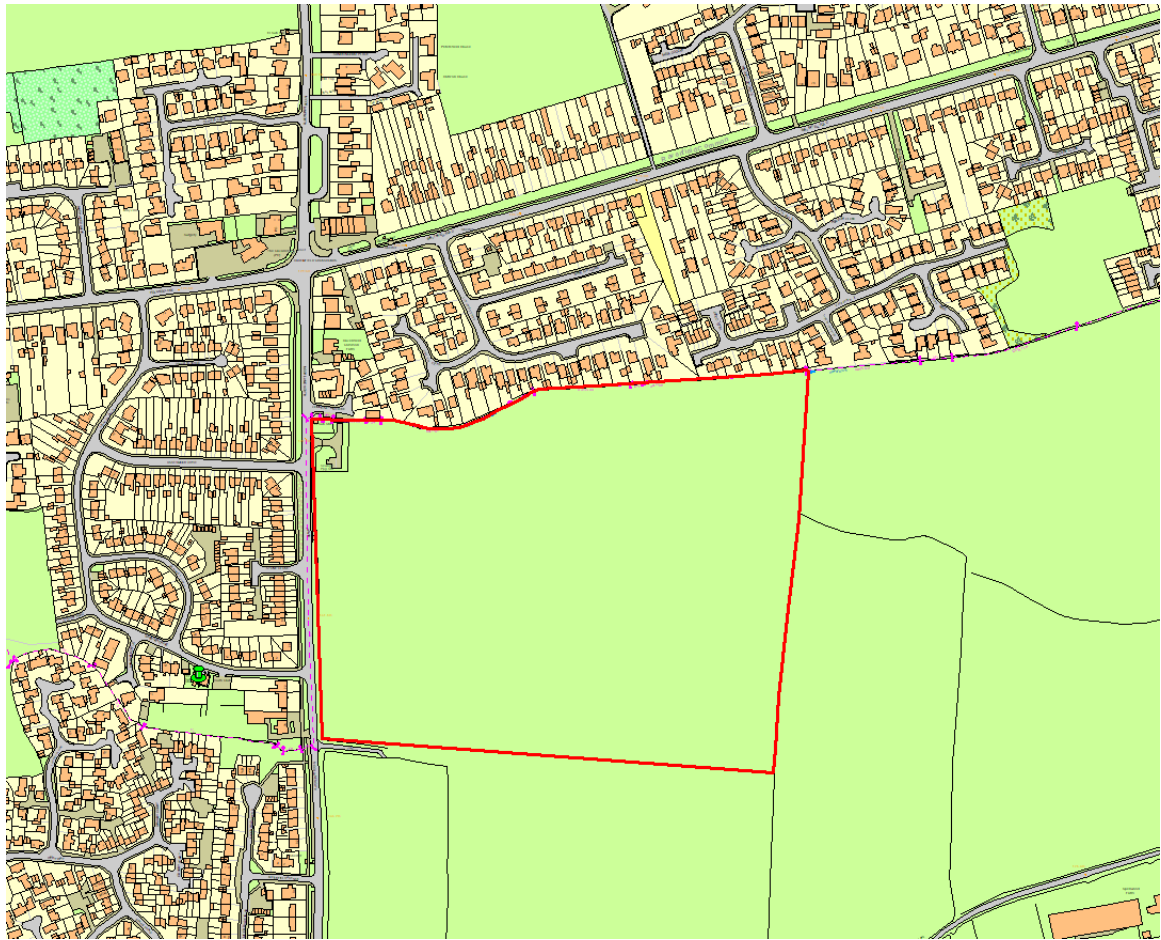
<b>RB2019/0894</b> <b>Outline application for the erection of up to 320 No. dwellinghouses including details of access at land East of Moor Lane South Ravenfield for Mr &amp; Mrs Woolhouse</b>	<b>Page 8</b>
<b>RB2019/1390</b> <b>Construction and operation of a metal recovery centre (Shear Processing Plant) including associated access at land off Sheffield Road Templeborough for Celsa Manufacturing UK</b>	<b>Page 58</b>

**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE 13 AUGUST 2020**

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

<b>Application Number</b>	RB2019/0894 <a href="https://rotherham.planportal.co.uk/?id=RB2019/0894">https://rotherham.planportal.co.uk/?id=RB2019/0894</a>
<b>Proposal and Location</b>	Outline application for the erection of up to 320 No. dwellinghouses including details of access at Land east of Moor Lane South, Ravenfield
<b>Recommendation</b>	<p>A That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> <li>• 25% on site affordable housing provision in accordance with the Council's adopted Policy.</li> <li>• Commuted sum of £500 per dwelling towards sustainable transport measures.</li> <li>• Financial contribution towards the enhancement of local bus services - £100k per annum for a period of 3 years</li> <li>• Improvement of 4 bus shelters on Moor Lane South and Braithwell Road amounting to £63,389.10</li> <li>• Education Contributions in accordance with the Council's adopted Policy.</li> <li>• Formation of a Local Area of Play prior to occupation of the 100<sup>th</sup> dwelling</li> <li>• Formation of a Local Equipped Area of Play prior to the occupation of the 200<sup>th</sup> dwelling</li> <li>• Financial contribution towards the improvement of football pitches at Ravenfield Recreation Ground or Bill Hawes to provide playing surfaces - £15,000 prior to the occupation of the 250<sup>th</sup> dwelling.</li> <li>• Establishment of a Management Company to manage and maintain the areas of Greenspace, including the proposed LAP and LEAP.</li> </ul> <p>B Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>

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



### **Site Description & Location**

The site lies to the east of Moor Lane South and extends to approximately 14.5 hectares. It currently comprises of agricultural land that is delineated by existing hedgerows. To the south and east of the site lies further farmland, whilst existing residential development adjoins the site to the west, where the dwellings off Moor Lane South look onto the site. To the North runs Hellaby Brook with houses beyond on Common Farm Close, Grayson Close, Longfield Drive and Barberry Way, backing on to the site. Beyond these roads are further houses leading to Braithwell Road which forms a crossroads with Moor Lane South.

The site itself does not contain any landscape features such as trees or other vegetation, nor does it contain any structures. Its topography slopes from the south western corner to the far eastern edge.

### **Background**

The site has no planning history relevant to this application.

#### Community Infrastructure Levy

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

#### Environmental Impact Assessment

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 development includes more than 150 dwellings and exceeds 5 hectares. 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

#### **Proposal**

The application seeks outline permission for the erection of up to 320 homes including the means of access, which for the purposes of this application includes the first 20m into the site. All other matters are reserved for future consideration.

A masterplan document has been submitted in support of the application which provides an illustration of how the site could be developed. This plan shows 2 means of access along the western edge of the site onto Moor Lane South and estate roads feeding the built development and open spaces.

It is important to note that this masterplan has been submitted for illustrative purposes only, however it does indicate that the new dwellings will range from single storey, to two storey up to two and half storey dwellings. There will also be some three storey buildings at appropriate locations. These higher buildings would be located as landmark or statement buildings designed to provide a visual focus at locations within the development.

To supplement the masterplan, an indicative accommodation schedule based on the available developable area has been prepared, which suggests that the site could accommodate 1 and 2 bed apartments, 3 and 4 bed townhouses or semi detached dwellings and 3, 4 and 5 bed detached houses.

The indicative masterplan also provides on site open spaces and landscaping and shows the provision of the linear open spaces that lead to a main central open area, with a further area to the north east corner. These open spaces are both primary and secondary amenity spaces and include water attenuation features. Landscaped areas along the southern and eastern

boundaries are also shown to form a visual break between the development and the open countryside beyond. The central circular open space provides a focal point for the development and the linear paths that link across the site provide car free pedestrian routes throughout the site.

Finally, the masterplan provides an indication of road hierarchy, which has been designed to follow the principles set out in the South Yorkshire Design Guide and include primary and secondary roads and private shared drives.

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

- Design and Access Statement
- Masterplan Document
- Statement of Community Involvement
- Accommodation Schedule
- Transport Assessment
- Travel Plan
- Flood Risk and Run Off Assessment
- Air Quality Assessment
- Archaeology and Cultural Heritage Statement
- Preliminary Ecological Appraisal
- Reptile Survey
- Pre-development Tree Survey
- Geophysical Survey
- Landscape and Visual Appraisal

## **Development Plan Allocation and Policy**

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

The application site was allocated for Green Belt purposes in the former Unitary Development Plan (UDP), however, since the submission of the application in 2017 the adopted Sites and Policies Document removed the site from the Green Belt and allocates it for Residential Use (allocated site H65). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

- CS1 Delivering Rotherham's Spatial Strategy
- CS3 Location of New Development
- CS6 Meeting the Housing Requirement
- CS7 Housing mix and affordability
- CS14 Accessible Places and Managing Demand for Travel
- CS19 Green Infrastructure
- CS20 Biodiversity and Geodiversity
- CS21 Landscape
- CS22 Green Space

CS23 Valuing the Historic Environment  
CS24 Conserving and Enhancing the Water Environment  
CS25 Dealing with Flood Risk  
CS27 Community Health and Safety  
CS28 Sustainable Design  
CS32 Infrastructure Delivery and Developer Contributions  
CS33 Presumption in favour of sustainable development

The Sites and Policies Document – June 2018:

SP1 Sites Allocated for Development  
SP11 Development in Residential Areas  
SP26 Sustainable Transport for Development  
SP32 Green Infrastructure and Landscape  
SP33 Conserving and Enhancing the Natural Environment  
SP34 Sites Protected for Nature Conservation  
SP35 Protected and Priority Species  
SP36 Soil Resources  
SP37 New and Improvements to Existing Green Space  
SP39 Design and Location of Green Space, Sport and Recreation  
SP42 Archaeology and Scheduled Ancient Monuments  
SP43 Conserving and Recording the Historic Environment  
SP47 Understanding and Managing Flood Risk drainage  
SP49 Safeguarding Mineral Infrastructure  
SP52 Pollution Control  
SP54 Contaminated and Unstable Land  
SP55 Design Principles  
SP56 Car Parking Layout  
SP57 Sustainable Construction  
SP64 Access to Community Facilities

**Other Material Considerations**

The specific Site Development Guidelines for this allocated site (H65).

South Yorkshire Residential Design Guide

Manual for Streets

Council's Car Parking Standards

Supplementary Planning Document No. 2 - Air Quality and Emissions

Supplementary Planning Document No. 5 - Equal and Healthy Communities

National Planning Practice Guidance (NPPG) (as revised)

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

permission be determined in accordance with the development plan, unless material considerations indicate otherwise” and that it is “a material consideration in planning decisions”.

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

## Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 18 letters of representation have been received, including one from Bramley Parish Council.

The objections are summarised below:

### Highways/Transportation/Infrastructure

- The roads cannot take the volume of traffic associated with this development.
- The roads around this location are already considerably busy, particularly during ‘rush hour’ periods in the morning and early evening. This development will only exacerbate the level of congestion and negatively affect the air quality locally through additional emissions.
- Any further development in the area will only lead to more traffic and pollution to the countryside.
- A series of road accidents at the beginning of June 2019 resulted in disruption, on all motorways which resulted in a shut down of Bawtry Road – We do not need further development causing the same.
- Lack of parking for Ravenfield Primary school which is already treacherous.
- If this number of houses are built we are talking about the possibility of two cars per household - 640 more cars how can this possibly be supported.
- The public transport information you have published linked to this is incorrect as not all those routes run anymore. Also public transport does not always reflect the needs who work shift patterns so cannot always be relied on as a form of transport for people.
- The travel plan seems to have been conducted in August, during the school holidays when traffic is quieter than normal, so I don't think your findings are a true reflection of normal traffic patterns & the impact 320 additional homes will have.

### Residential Amenity

- Privacy issues for some houses on Barberry Way who don't currently have high fences in place as the houses back onto the farmer's field.
- The noise, disturbance, traffic/congestion and dust/dirt this build will create is going to effect the entirety of residents on Moor Lane South and the surrounding streets.



- The noise and air pollution will be increased when the development is complete
- At the Parish Hall consultation meeting, there were no plans mentioned for 3 storey dwellings which are now classed as a statement on the outlined plans.
- There are many high ethical design principles proffered in this submission, but it is irrefutably an outline application, so what guarantee is to be extended to the affected parties that these principles and commitments will be fully incorporated into the subsequent detailed planning application?

#### Drainage/Flood Risk

- Where will the surface water from the new homes go to? Existing water runs into the dyke which doesn't have capacity for additional flows as it will overflow into our garden

#### Ecology/Biodiversity/Landscape

- The proposed development will severely affect the wildlife in this area of Ravenfield
- Many species of birds, mammals and reptiles are often seen on this site, this will be obliterated if houses are built.
- there is a commendably high inclusion of environmental assets to the design e.g. greenspaces, water features, hedges and trees retention and improvements, etc. However, given recent RMBC maintenance reviews of existing local greenspaces responsibilities, how will long term maintenance of these proposed assets be assured?

#### Supporting facilities

- we do not feel that current local amenities are able to meet what will likely be the diverse and multiple needs of the residents that will live in these new properties. There is currently only one GP practice in the immediate locality and one small primary school – totally insufficient to continue to meet existing local need alongside an additional 300+ homes.
- schools have already been maxed to supply the existing builds, doctors have a waiting period of two to three weeks to obtain appointments and the hospital is also under pressure
- This is still viewed as a little village and does not have the resources to take more people. We have one small village shop and one small school and we are already seeing the village strain under the amount of people that live here

#### Loss of Agricultural Land

- we are particularly concerned about the implications of the loss of yet more arable, green-belt land, that, in the many years we have resided in this location, has consistently produced excellent crop yields every year.
- We feel the loss of this land is a real issue in light of the current political climate. With the country due to leave the European there will be a

likely and real need to ensure the country has sufficient land available to grow food. Relatedly, the provision and protection of existing green-belt land represents an important part of efforts to combat climate change.

Other

- We pay a high price to live in such a lovely village and we cannot help but feel that this planning is going to make Ravenfield just another council estate which is definitely not why 95% of the residents bought property here in the first place.
- There is no shortage of large family homes in the borough but there is for social affordable starter homes so please consider building more of these on the development to encourage more young people to be able to afford to stay and live in the village.
- The views are beautiful across this field, building on it will ruin the character.
- The development would detract from the beautiful rural landscape and visual character of the area. Our skyline will be removed completely which is certainly not enhancement.
- This development is showing no respect at all to the residents of Longfield Drive. Our properties will lose the wonderful views and will therefore lose value. Compensation has never been mentioned, although nothing could compensate for that loss.
- The council said there would be no further development in Ravenfield, and to all intents and purposes the site is in Ravenfield and if houses do get built no doubt they will be advertised as being in Ravenfield
- The development will lead to an increase in crime in the area.
- The development will result in the loss of views from our property.
- The value of my house will decrease dramatically should this build go ahead.
- This plot for development is in the heart of the village so please consider amending the boundary from Bramley parish to Ravenfield.
- There is a dispute over the boundary with the parish of Bramley claiming that this development is in their area. It is not, it is well in Ravenfield. It is the people of Ravenfield who will suffer, it is Ravenfield's services which will be stretched to the limit, so it is Ravenfield's precept which will be affected.

The Agent has requested to speak at Planning Board.

**Consultations**

RMBC - Transportation and Infrastructure Unit have assessed the submitted information within the Transport Assessment and Travel Plan and raise no objections to the proposed development subject to conditions

RMBC - Drainage raise no objections to the proposed development as the drainage and flood risk issues have been considered and allowed for in the site layout sufficiently for outline approval

RMBC - Landscape acknowledge that the development will result in some adverse visual amenity for existing residents, however the proposals if developed in line with the Masterplan, are not considered to result in any significant adverse effect on the borough's landscape character. The Masterplan proposals include an appropriate level of Green infrastructure and green space and will ultimately have a beneficial effect on the local landscape fabric and features. The development of this site is considered to be compliant with the above listed policies.

RMBC - Tree Service raise no objections to the proposed development as it is likely to lead to an improved level of tree cover and related benefits.

RMBC - Ecology note the points raised in the Preliminary Ecological Assessment and Reptile Survey and concur with the findings. Accordingly, no objections are raised subject to conditions relating to mitigation measures.

RMBC - Green Spaces note that sufficient green spaces are provided on site to align with the requirements of the Local Plan. It is also acknowledged that play areas are proposed and subject to these being secured via a S106 or condition, no objections are raised.

RMBC - Education note that the catchment area is Maltby Academy which in recent years has been oversubscribed. Therefore, a Secondary Education contribution would be requested for this development, as per our S106 policy.

RMBC - Affordable Housing Officer raises no objections subject to the provision of 25% affordable housing on site.

RMBC - Environmental Health (Noise) acknowledge there is the potential for occupiers of neighbouring properties to be affected by noise and dust from the construction phases of the development and as such recommend conditions relating to hours of construction.

RMBC - Environmental Health (Air Quality) note the findings in the Air Quality Assessment and raise no objections subject to a condition requiring the provision of electric vehicle charging points at each property.

RMBC - Environmental Health (Land Contamination) raise no objections to the proposed development subject to conditions.

Highways England originally issued a holding recommendation to allow sufficient time to establish the impact of the development on Junction 1 of the M18. Following discussions with the Agent and an agreement to mitigate traffic associated with the development, the holding recommendation was removed. Accordingly, HE raise no objections subject to a condition requiring the mitigation be implemented.

South Yorkshire Passenger Transport Executive raise no objections subject to the enhancement of bus shelters within the immediate vicinity and the enhancement of bus services which serve the site.

Environment Agency do not wish to comment on the proposals.

Seven Trent Water raise no objections to the proposed development subject to a condition requiring further information relating to a sewer modelling assessment.

Sheffield Area Geology Trust – raises no objections to the proposed development.

South Yorkshire Police recommend that the development is designed to secure by design standards.

South Yorkshire Fire and Rescue note that access for fire appliances should be in accordance with Building Regulations Approved Document B volume 2 Part B5 section 16. Water supplies for fire-fighting purposes should be in accordance with Building Regulations Approved Document B volume 2 Part B5 section 15.

Rotherham NHS raise no objections to the proposed development.

Sport England – objected to the application in a non-statutory role as the proposal would generate demand for sporting provision.

South Yorkshire Archaeology Service accept the findings of the Geophysical Survey and on that basis raise no objections subject to a condition requiring further investigations prior to commencement of development.

## **Appraisal**

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

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

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

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

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*(footnotes omitted)

The main considerations in the determination of the application are:

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

#### The principle of the development

The application was allocated as Green Belt within the former UDP, however the Local Plan Sites and Policies Document which was adopted on 27<sup>th</sup> June 2018 removed the site from the Green Belt and re-allocates it for Residential use. It forms Housing Site H66 (total area of 16.49 hectares) and the Sites and Policies Document indicates that the total site has a capacity of approximately 320 dwellings.

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

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

Policy SP1 'Sites Allocated for Development' identifies sites that are allocated for development and contribute to meeting requirements set out in the Core Strategy. SP1 allocates the site as H65 for a total of 320 dwellings.

With the above policies in mind, the site has now been allocated for Residential use as part of the adopted Local Plan and as such the principle of residential development is acceptable.

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

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

Having regard to this, the site is located within close proximity to a number of local facilities on the Braithwell Road/Moor Lane South crossroads, including a hairdressers, public house and a convenience store. Furthermore, there are 3 Primary / Junior Schools available in close proximity to the site at Bramley Sunnyside Infant and Junior School, Ravenfield Primary Academy, Bramley Grange Primary School and bus stops are located on Moor Lane South and Braithwell Road, ensuring the site is well connected to surrounding towns and villages.

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

### Design, Layout and Scale

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

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

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

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

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

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

Whilst taking the above into account, it is important to note that the application is in outline form only and the layout, scale and external appearance of the proposed development is reserved for future consideration. Nevertheless, it is incumbent on the applicant to submit an indicative Masterplan to establish, how the site could be developed with up to 320 dwellings whilst considering other requirements such as infrastructure and the provision of open space.

In this regard, the submitted masterplan document provides details of the influences in terms of the site layout, such as the site topography, existing vegetation and need to provide on-site green spaces and drainage features.

In considering these matters, the masterplan now shows the provision of primary green spaces within the centre of the site and to the far north eastern corner, together with secondary amenity spaces and green pedestrian routes through the site.

The built development has been designed around these area as well as a need to provide a landscaped edge to what will become the new urban/countryside interface. The arrangement of development blocks as shown on the masterplan illustrates how the development could be subdivided by the open spaces and internal road layout. The development is segmented into 16 smaller blocks by the primary road network which will create development areas from the large central open area. These blocks are linked by the road system and dedicated pedestrian links and will allow the creation of character areas throughout the development. The proposed arrangement of the development blocks allows dwellings to look outwards on all sides of the development which enhances the scheme.

The accompanying accommodation schedule also indicates that the developable area extends to 11.47ha and could accommodate the following mix:

- 1 and 2 bed apartments (9.7%)
- 2 and 3 bed townhouses/semis (63.7%) and
- 3, 4 and 5 bed detached houses (26.6)

The new dwellings on the site will range from single storey, up to two and half storey dwellings. There will also be some three storey buildings at appropriate locations. These higher buildings would be located as landmark or statement buildings designed to provide a visual focus at locations within the development. It is anticipated that the heights will range from about 6 metres to ridge for single storey dwellings to 9m for two storey dwellings to about 12 metres to ridge for three storey dwellings. Single storey dwellings will be used in appropriate locations to ensure appropriate relationships to nearby properties adjoining the site.

In order to build on the parameters, set out in the masterplan document, it is considered appropriate for the implementation of future design codes, which will relate to each geographical area. The purpose of these is to assist in fulfilling the objectives of the NPPF, in helping to deliver high quality inclusive design. They will therefore focus on instructing matters in relation to scale, density, massing, height, landscape, layout, access and materials and be secured via an appropriately worded condition that requires future developers to submit the Code to the LPA prior to applications for Reserved matters on that particular phase of development. By taking this approach, it secures the timely provision of Green Infrastructure whilst ensuring a high quality of design and place making.



Having taken all of the above into account, it is considered that 320 dwellings can be adequately accommodated on site, alongside essential infrastructure and open spaces. Sufficient regard has been given to the provision of green infrastructure and areas along the southern and eastern boundaries have been set aside for the provision of an adequate landscape buffer.

Accordingly, the indicative masterplan offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding sufficient land for the enhancement of the Green Infrastructure. Furthermore, it is considered to accord with the above Local Plan Policies, as well as the general principles and goals set out in the NPPF.

#### Provision of open space on the site

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

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

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

- (i) within 280 metres of a Green Space*
- (ii) Ideally within 840m of a Neighbourhood Green Space (as identified in the Rotherham Green Space Strategy 2010); and*

*(iii) Within 400m of an equipped play area.*

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

The application seeks permission for up to 320 new homes and as such the requirement for on site open space extends to 1.76 hectares. Taking into account the primary and secondary areas of open space, these areas extend to 1.84 hectares and together with the peripheral planting areas to the southern and eastern boundaries and land containing and protecting Hellaby Brook, the overall area set aside for open spaces extends to 2.93 hectares, which exceeds the required amount, and is therefore in line with this policy.

In addition to the areas of open space, the proposed development also includes the provision of a Local Area of Play (LAP) and a Local Equipped Area of Play (LEAP). Policy SP39 'Design and Location of Green Space, Sport and Recreation' outlines the principles to be followed when new play spaces are designed, and whilst the design and location of these will be reserved for future consideration, it is considered that type of play is proportionate to the development proposed. However, it should be noted that all the areas of public open space, including the LAP and LEAP are proposed to be maintained by a management company which would be secured by a Section 106 legal agreement.

An objection to the application has been received by Sport England as a non-statutory consultee. They have calculated that the population of the proposed development in this area will generate a demand for a total of £275,855 which is in relation to Sports Halls, Swimming Pools, Artificial Grass Pitches and Indoor Bowls.

The Council's Culture, Sports and Tourism Partnership Manager has provided comments in relation to the request from Sport England and considers that the demand outlined can be met by existing provision. He notes that Maltby Leisure Centre and central venues are close by. Also as the contributions mentioned for swimming and indoor bowls are small it is considered that any demand could be accommodated within the existing local provision. Taking this into account along with the proposed on-site greenspace provision it is not considered that the contribution requested by Sport England can be justified as part of this planning application.

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

### Highways issues

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

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

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

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

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

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

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

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

The site development guidelines for H65 as set out in the adopted Sites and Policies Document states: *“A Transport Assessment will be required which includes consideration of possible traffic issues regarding Bramley village and J1 of the M18.”*

The application is accompanied by a Transport Assessment which assesses the impact of the trips associated with the development on the local highway network. Subsequent to this, further discussions were held with the Applicant's advisors in respect of its impact particularly on the B6093/Flanderwell Lane mini-roundabout and Junction 1 of the M18. Accordingly, additional information was submitted to address the concerns raised.

In relation to the local highway network, the Council's Transportation Unit have considered all the submitted information and have provided the following assessment:

Trip Generation - An assessment year of 2028 has been adopted for the purposes of the TA and growth factors have been applied. The TRICS database has been used and the results converted to vehicle trips based on local journey to work data from the census. This indicates that the proposed development would result in an additional 276-277 vehicle trips on the local highway network during the typical weekday peak hours. These figures are considered to be very robust when compared with the accepted average for residential development in Rotherham.

Traffic Impact - The TA has considered the impact of the additional trips on the operation of various junctions in the area for a design year of 2028 (the end of the local plan period). Growth factors have been applied to the baseline data from traffic counts and junctions have been modelled using industry standard software. This analysis indicates that existing junction layouts will perform poorly in the design year even without the addition of development traffic.

B6093/A630 junction, Hooton Roberts – this junction was not originally modelled in the TA . Subsequent consideration revealed that some 26 No. two way trips along the B6093 to the north of Ravenfield Crossroads during a peak hour are predicted and it is accepted that an assessment of the B6093/A630 junction at Hooton Roberts is not therefore required.

B6093/Flanderwell Lane mini-roundabout – the TA shows that this junction will continue to operate above capacity during the am and pm peak hours and that mitigation in the form of a signal controlled junction is not an option. Improved pedestrian safety measures are proposed in the TA (refuges and zebra crossings) which are not considered to satisfactorily address the impact.

Revised improvements to the Flanderwell Lane/B6093 roundabout, which include works to widen the carriageway are considered to be acceptable in principle and worthy of further detailed design as part of a S278 Agreement. Whilst the scheme would reduce the Ratio of Flow to Capacity (RFC) and modelled queue length at this junction, there would remain the potential for a significant increase in queue length on the approach from the Church Lane roundabout. In other words, the scheme would result in a future year scenario that is better than the “no development scenario” but not perfect. However, the use of growth factors over 8 years in the TA gives a robust assessment. This may make the completed development appear to have a more deleterious effect than will be the actual case such that the cumulative impact on this part of the road network is not considered to be severe.

B6093/Church Lane mini-roundabout – the TA points out that there are very little conflicting traffic movements at the junction although the junction could potentially be converted to a simple “T” junction.

On balance, it is recommended that this junction should be maintained in its current form since the mini roundabout was originally provided as a traffic calming feature as part of the Bramley Traffic Management scheme and its speed reducing effect should be retained. However, increased queuing will result although the TA opines that the modelled queue lengths are overly pessimistic, based on those observed, and would not occur in reality. The use of growth factors over 8 years gives a robust assessment.

B6093/Cross Street mini-roundabout – the TA advocates a simple “T” junction arrangement in order to achieve increased capacity.

This junction should also be maintained in its current form for the traffic calming reason referred to above. However, increased queuing will result although the TA opines that the modelled queue lengths are overly pessimistic, based on those observed, and would not occur in reality. Again, the use of growth factors over 8 years gives a robust assessment.

A631/Church Lane signal controlled junction – whilst it is predicted that this junction will continue to operate above capacity, no mitigation is proposed.

These signals are to be refurbished later this year and will operate MOVA (Microprocessor Optimised Vehicle Actuation) and linked to the Flash Lane junction referred to below.

A631/Cross Street/Flash Lane signal controlled junction – the TA predicts that this junction will continue to operate above capacity and suggests that MOVA control would be appropriate mitigation.

A631/B6093 priority “T” junction – whilst the TA points out that this junction will continue to operate above capacity, it is not considered that the impact of the development would be severe and no mitigation is proposed.

The assessment of this agreed, although it is accepted that increased queuing will occur as a result of the proposed development.

Site accesses – two simple priority “T” junctions onto the B6093 are intended with 2.4m x120m visibility splays. A 2m wide footway is to be constructed on the site frontage. Whilst the indicative layout plan shows this extending the full site frontage, the proposed site access plan in the TA shows the footway terminating north of the opposing road junction at Spencer Drive. Whilst the agents disagreed with the Council’s recommendation regarding the provision of visibility splays based on an “x” distance of 4.5 metres and a 3m wide footway/cycleway on the eastern side of Moor Lane South connecting with the existing footway near Lidgett Lane, there is a wide highway verge over which adequate visibility can be attained. Furthermore, a contribution of £500 per dwelling has been agreed by the agents for sustainable transport measures which may include improved cycling facilities. This will be secured via the S106 Agreement.

Car and Cycle Parking - Having regard to car and cycle parking, whilst these details are reserved for future consideration, the applicant should be made aware that provision should be provided in line with the Council’s adopted standards.

Pedestrian Accessibility - A 2km. walking catchment from the site includes schools, shops and pubs. However, pedestrian provision between the site and Bramley is far from ideal and will involve pedestrians crossing B6093 Moor Lane South to use the existing footway on the western side. 4 No. uncontrolled pedestrian crossings are proposed in Moor Lane South. A Stage 1 Road Safety Audit has been undertaken and no problems were identified.

Cycling Accessibility - The Rotherham cycle map indicates that there are advisory cycle routes through Bramley village, along Hollings Lane, Braithwell Road and Lidgett Lane. There are controlled crossing facilities at the B6093/Hollings Lane/Braithwell Road crossroads to the north and at the A631/Cross Street/Flash Lane crossroads to the south. Cycling facilities along B6093 Moor Lane South could be improved as one of the sustainable transport measures referred to above.

Road Safety - The accident record in the vicinity of the site does not appear to indicate any particular cluster of incidents nor correlation between accident severity and location which would be cause for concern. While accident risk may increase with changes to the traffic flow characteristics or volumes, the

potential increase in the vehicle trips generated by the development is not likely to materially affect the road safety record on the local highway network as a proportion of the total number of trips. A Stage 1 Road Safety Audit has been undertaken and no problems were identified.

Travel Planning - A Residential Travel Plan has been produced to support the proposed development which includes details of sustainable transport measures/initiatives that would be introduced as part of the transport strategy for the site. In this respect, it is recommended that the developer provides a sustainable transport contribution of £500 per dwelling to be used to fund a variety of measures encouraging residents to travel sustainably (as per the Sites and Policies Good Practice Guidance). Electric vehicle charging points should be provided at each dwelling.

Layout - Whilst the submitted layout is for illustrative purposes only, I would advise that future details should be designed and constructed in accordance with the South Yorkshire Residential Design Guide. An Agreement under S38 Highways Act 1980 would be Required.

Highway Related Representations - The Transport Statement submitted by Bramley Parish Council has been reviewed and matters raised have been considered and addressed by appropriate recommended conditions.

Impact on Strategic Road Network - Extensive discussions have taken place between the Council, Agent and Highways England to understand the how the trips associated with the proposed development will impact on Junction 1 of the M18 and in this respect, Highway England have confirmed that this junction is already at capacity and as such any proposed development that results in additional trips through this junction at peak times should provide physical mitigation to provide additional capacity.

In this regard, it has been agreed that a condition will be placed on a any future approval of planning permission requiring the submission of a scheme to provide these works shall be submitted to the LPA and HE based on a draft plan showing alterations to white lining and signage at Junction 1. Once approved, the scheme should be implemented prior to the occupation of the 80<sup>th</sup> dwelling.

Public Transport Provision - The TA's claim that the site is accessible by public transport is accepted although no consideration has been given to the spare capacity of the services available. The TA proposes the funding of an additional bus to provide enhanced services between the site and Rotherham town centre.

The South Yorkshire Passenger Transport Executive, have assessed this further and have requested improvements to 4 bus shelters on Moor Lane South and Braithwell Road and a financial contribution of £100k per annum for a period of 3 years towards improvements to bus services in the immediate area.

Summary - In summary, it is acknowledged that the highway impact of the development is significant and requires mitigation and sustainable transport measures/initiatives. Additional queuing at junctions in the area will result. However, it is considered that the development will not have an unacceptable impact on highway safety and the residual cumulative impact on the road network would not be severe. Conditions are recommended which seek to promote sustainable transport and mitigate to an acceptable degree the impact of the development in terms of capacity and congestion. Accordingly, the proposal is considered to accord with the requirements of the National Planning Policy Framework (NPPF).

#### Drainage and flood risk issues

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

*"Proposals will be supported which:*

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

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



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

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

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

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

The Council’s Drainage Engineer has assessed the proposals and considers the submitted information to be satisfactory and sufficient to make an assessment of this outline application.

In respect of Flood Risk, he notes that the watercourse along the northern boundary and the associated flood risk have been considered. The indicative site layout avoids siting dwellings in this flood risk area and provides easy access for maintenance of the watercourse. Any future applications for reserved matters should therefore retain this arrangement and ensure that finished ground levels on the south side of the watercourse do not force any potential flood water towards the existing dwellings on the north side.

Having regard to surface water drainage, an estimate of the required surface water attenuation has been carried out and the calculated volume is accepted and can be confirmed at detailed design stage. Two attenuation ponds have been shown on the submitted masterplan, which between them could accommodate the runoff as calculated. It is expected that for a site of this size, attenuation features would be adopted by the water company, however this would need to be considered alongside future reserved matters.

Turning to foul drainage, the flood risk assessment gives some recommendations for foul drainage but recommends a developer enquiry to the water company. A foul pumping station will almost certainly be required, and a potential position has been indicated on the layout. Seven Trent Water have been consulted on the application and note the requirement for a pumping station on site. As this is the case, they have requested a sewer

modelling assessment to determine what impact the generated flows will have on the network and to establish the maximum pump rate that could be accommodated within the existing network. Whilst this information has not been submitted as part of this application, it is considered appropriate to impose a suitably worded condition, requiring the assessment to be submitted as part of future applications for reserved matters.

Having regard to the above, the Council's Drainage Engineer, Seven Trent Water and Yorkshire Water raise no objections to the proposed development. Furthermore, the Environment Agency were consulted on the planning application and stated that they have no objection to the proposed development and refer to their flood risk standing advice.

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

### Ecology and biodiversity

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

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

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

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

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

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

The application is supported by a Preliminary Ecological Appraisal and a Reptile Survey. The Ecological Appraisal concludes that no notable plant species or habitats are present on site, however the development has the potential to produce impacts upon ecological receptors and that these require further evaluation. Accordingly, further investigations were carried out in relation to habitats, bats, badgers, dormice, water voles, otters and other mammals, birds, reptiles, amphibians and invertebrates.

In light of this, the Assessment concludes as follows:

*“There is one statutory designated site within 2 km of the site, which is Firsby Reservoir LNR, approximately 1.9km North of the site. There are no statutory designated sites for bats within 5 km of the site.*

*There are seven non-statutory sites within 2 km of the site.*

- *Gulling Wood and Silver Wood LWS*
- *Silverwood Tip & Odd Hill LWS*
- *Hellaby Bridge Brickworks LWS*
- *Listerdale Wood LWS*
- *Wickersley Wood LWS*
- *The site is within the South Yorkshire Community Forest*

*The proposed development is well-removed from all of the designated sites listed above and separated from them by existing residential areas. Direct effects of the proposed works are therefore unlikely. Indirect effects from factors such as increased visitor pressure is possible, and so should be considered at an early stage.”*

Having regard to the potential impacts of future works on site, the report goes on to state *“if residential development is undertaken in the future, then potential impacts are likely to include the following:*

*Removal of grassland, hedgerows and trees may cause loss of bat foraging habitat. Loss or severance of hedgerows may affect bat commuting routes. An increase in general light levels could also affect bat foraging and commuting.*

*Although no badger setts were observed on site, badger activity can change over a short time. If any setts are created on site prior to works, tunnels could be affected by ground works and vegetation removal, and badgers could be harmed.*

*Loss of grassland, hedgerows and trees may affect birds that use the site for breeding and foraging by causing a decrease in nesting sites and food resources. Loss of these habitats may directly harm nesting birds if carried out during the breeding season (March to August inclusive).*

*In the event that reptiles are present on site, they might be killed or injured during removal of vegetation or ground works. They would also suffer loss of habitat."*

In light of this, recommendations are also made within the report which seek to protect bats, badgers, birds and reptiles from development.

Having regard to the above, the Council's Ecologist has assessed the content of the report and concurs with the findings and recommendations. As such no objections are raised subject to conditions being imposed that require future development to be carried out in accordance with the recommendations in the report.

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

In considering the Reptile Survey, this expands on the findings in the Ecological Assessment, however during the survey no reptiles were identified. As such, no negative impact would occur towards reptiles, therefore no further surveys will be required, though a precautionary approach has been recommended and there is an opportunity to enhance the site for biodiversity gains such as creation of reptile and amphibian Refugia such as habitat piles.

Again, the Council's Ecologist concurs with these findings and recommends further conditions relating to the biodiversity gain recommendations outlined in the report.

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

The proposal does include areas of green open space and sustainable drainage methods are to be used. For this reason it is considered appropriate that the submission of details of the quality of soils on site and their movement and temporary storage during construction is conditioned to ensure that the character of the soil to be conserved is done so as part of a Construction Management Plan.

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

### Landscape and Tree matters

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

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

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

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

The site in question is allocated for residential use within the Local plan (H65), and was assessed by the council as part of its local plan evidence base and was considered to be of Medium sensitivity to change and of Medium capacity to accommodate residential development. The site lies within the local character area of 8 Central Rotherham coalfield farmland. This is described as generally being of moderate strength of character but poor condition. The focus of landscape management proposals for this character area, given its character and condition should be to improve and restore features which contribute positively to its overall character.

The site development guidelines, contained within the adopted Sites and Policies Document, for this site states that:

- A Landscape Assessment will be needed to assess and manage the impact of potential new development on the wider open countryside and on natural landscape features such as trees and hedgerows. Existing vegetation including mature trees should be retained and enhanced, unless agreed in writing with the Local Planning Authority.
- Development proposals shall provide a strong structural landscape framework within which this development will sit. 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.

In response, a landscape and visual appraisal has been submitted and is based on an appropriate methodology in line with best practise: Guidelines for Landscape and Visual Assessment 3rd Edition (GLVIA version 3). The scope of the study at 2km is appropriate for a development of this scale and is informed by a zone of theoretical visibility (zTV). The Council's Landscape Architect considers that the judgements made in relation to landscape sensitivity, susceptibility, value and magnitudes of effects are reasonable and well considered and as such the conclusions of the report are accepted.

The assessment of landscape effects concludes that the greatest adverse effect (moderate to major) would be the permanent loss of agricultural land. The long term effects on landscape fabric and features are predicted to be of moderate beneficial effect. The long term effects on landscape character within Rotherham MBC are considered to be at worst minor adverse. The long term effects on landscape character within Doncaster MBC are considered to be negligible.

The assessment of visual effects concludes that greatest adverse effects (major and moderate to major) would be limited to residents in locations in the immediate vicinity of the site with direct and unobstructed views into the site (within 0.2km). Wider or more distant adverse visual effects are expected to be negligible.

Having regard to the proposed masterplan, it is acknowledged that this is for illustration purposes only, however it is noted that it sets out a strategic framework approach for key design principles such as place making, movement, greenspace, landscape and ecology, and street hierarchy and movement.

The features which are fundamental to the impact of the development on the wider area and unlikely to change, are the landscape buffers to the southern and eastern boundaries, and the standoff to Hellaby Brook. Due to the possibility of a phased, and multiple developer approach, it is therefore essential to secure the provision of these buffers within the first phase of development and as such it is recommended that they are the subject of an advanced structure planting condition. Additionally, it is also considered

necessary to attach a condition requiring the submission of design codes that would relate to each geographical stage of the development. These would build on the Masterplan framework and set the detailed design instructions for each subsequent phase of development.

Having taken the above into account, whilst the development will result in some adverse visual amenity for existing residents, the proposals if developed in line with the Masterplan, are not considered to result in any significant adverse effect on the borough's landscape character. The Masterplan proposals include an appropriate level of green infrastructure and green space and will ultimately have a beneficial effect on the local landscape fabric and features. The development of this site is therefore considered to be compliant with the relevant policies contained within the adopted local plan.

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

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

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

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

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

*conservation of biodiversity or protected species are included within the proposals.”*

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

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

In respect to the above, supporting information was submitted with the application in relation to land contamination issues. The Council’s Environmental Health section have assessed the information and have commented that the site comprises of a large field, is approximately 14.4 hectares and slopes gently from the south western corner down to the eastern side of the site. The land has been actively farmed for arable crops for many a year.

From a review of the historical maps, it would appear the land has been in use as agricultural land from 1850 to the present date. A sewage works along the northern boundary was annotated on the 1916-1922/1928 map, however on our next available map of 1956 it is no longer present. Also, on the 1956 map an electrical substation appears to have been located on land immediately adjacent to the north western corner of the site. Hellaby Brook now as ‘sinks’ annotated on the map, which may lie within the application site. Our final map of 2013 shows the electrical substation is now annotated as a Sewage Pumping Station.

Historically the land has been used for agricultural purposes with no obvious development having taken place.

However, there is some potential for the site to be impacted from contamination associated with past farming practices (the use of organic substances such as pesticides, herbicides, and fungicides), the presence of naturally occurring metals within the soils and any potential infilling of the land (e.g. former sewage treatment works) over time. The land may also have been impacted by the adjacent electricity sub-station/sewage pumping station.



Residential development is proposed for the site which could introduce a sensitive receptor (i.e. human health) to the site with the potential for exposure to soil contamination, if present, in private gardens or areas of soft landscaping.

Accordingly, it is recommended that a Phase I Desk Top Study be undertaken in the first instance, which will fully identify the past and present uses at the site which could have led to contamination occurring. The Phase I report will allow for a preliminary risk assessment to be undertaken which will determine whether a further intrusive site investigation is required or not. This is recommended to be secured via the imposition of conditions.

Furthermore, remediation works may be required to bring the site to a suitable condition to be protective of human health for its proposed end use. Again, it is recommended that this be secured via a suitably worded condition.

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

The site would be accessed off Moor Lane South, which is a residential street and due to the level of development proposed it is considered appropriate that a condition is attached to any planning permission to require the submission of a Construction Management Plan to control such issues.

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

The site is not within an Air Quality Management Area. And the Council's Air Quality Officer notes that that Rotherham's Delivering Air Quality Practice Guidance, along with one of the key themes of the NPPF, is that developments should enable future occupiers to make "green" vehicle choices and "incorporate facilities for charging plug-in and other ultra-low emission vehicles". Whilst the Air Quality Assessment did not make any recommendations, it is considered that electric vehicle recharging provision should be provided as part of the scheme as there will be significantly increased demand in future years during the lifetime of this development and in accordance with the provisions of the Supplementary Planning Guidance Note 2 'Air Quality and Emissions'. It is therefore recommended that if planning permission is granted a condition is attached requiring the submission of details of electric charging points to be provided.

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

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

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

Whilst a Mineral Safeguarding Assessment has not been submitted in support of this application, given the application is in outline, it is considered that the level of detail required would not be known at this time. Accordingly, it is recommended that a condition be imposed requiring all future applications for Reserved Matters to be accompanied by a full assessment for the entire site or the phase to which the application relates.

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

#### Impact on existing/proposed residents

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

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

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

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

It is noted that residential properties exist immediately to the north of the site and across Moor Lane South to the west. Representations have been received claiming that the proposed development will overlook the properties to the north, particularly as these relate primarily to bungalows.

As previously stated, the application is in outline form, with only the means of access submitted for consideration. Accordingly, the proposed layout is provided for illustrative purposes only. Nevertheless, running along the northern boundary of the site, along the rear boundaries of existing properties runs Hellaby Brook, this area will be safeguarded and enhanced as part of the proposals, which will ensure that there will be a significant separation distance between the rear elevations of existing properties and any new dwellings, which will inevitably protect the amenities of existing residents.

Having regard to the amenity of future residents, all future applications for reserved matters will need to be designed in accordance with the separation distances outlined in the SYRDG, which include the 25- and 45-degree rules.

Objections have also been received stating that the proposed development will affect the views of residents from their existing properties. Whilst this point is noted, it is not a material planning consideration and as such will not influence the decision-making process.

With the above in mind, it is considered that the indicative masterplan adequately addresses how the development could be brought forward without affecting the amenity of existing residents. The proposal is therefore considered acceptable in accordance with the guidance contained within the SYRDG.

#### Archaeology and Cultural Heritage issues

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

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

It is noted that the site is not located within or adjacent to a Conservation Area, nor are there any Listed Buildings within the immediate vicinity. Accordingly, it is not considered that the development will have any impact on Cultural Heritage assets in the area.

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

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

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

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

#### Impact on infrastructure, including Education and local GPs

With regards to GP Surgeries, the NHS have the following comments *"Thank you for the information relating to the proposed new development which helps us plan for future need and impact on local health services. Based on our primary care estates strategy, services in this area are already pressured. However, to deal with increased pressure on services, the practices are now operating on a Primary Care Network approach to enable more 'at scale' working and have adopted new ways of working e.g. telephone and video consultation which should support patient management. Primary Care Networks also have access to an extended workforce to support practices. It is also considered that new developments cause population movement around the Borough e.g. young adults moving out of family homes and not significantly new population and therefore it would be expected that the patients would already be registered with local practices within the Primary Care Network and so can be accommodated"*

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

With regards to the impact on schools, the Education Service notes that the Maltby Academy is oversubscribed in all year groups. As there is insufficient capacity in local schools for new children moving into this new housing development the developer will be required to pay a financial contribution for educational purposes via a S106 Legal Agreement. In accordance with the Education Service policy the contribution towards Education would be calculated at Reserved Matters stage when the house types are known.

#### Other issues raised by objectors

Numerous objections have been raised by residents, many of which have been considered in the preceding paragraphs and may be addressed by way of recommended planning conditions, and others, such as loss of views and devaluation of properties are not material considerations to be taken into account in the determination of this application.

Having regard to other matters, one objection states that the development will lead to an increase in crime in the area. There is no evidence to support this claim and South Yorkshire Police have been consulted on the application. They have made recommendations that the proposals should be constructed to Designing out Crime standards but have not made any observations relating to an existing problem with crime in the area.

Finally, comments have been raised regarding a dispute over the boundary with the parish of Bramley. In this regard, the Council has received a petition from Ravenfield Parish Council asking that a Community Governance Review be undertaken in the Ravenfield Parish Council in respect of the Parish boundary. The petition asks for a Community Governance Review to be undertaken with a view to altering the existing boundary of the Parish of Ravenfield. Accordingly, the amendment to the Parish Council boundary was subject to consultation between 1<sup>st</sup> November 2019 and 31<sup>st</sup> January 2020. An update on the outcome of this review is expected later this summer. Nevertheless, this does not influence the decision making process of this application.

#### Timescale for submission of future applications and Implementation of Permission

The application seeks to extend the usual timescale for submission of future reserved matters applications from 3 years to 5 years and a start on site from 5 years from the date of this permission to 7 years.

The Agent's have confirmed that this small increase in timescale is primarily due to the scale and phasing requirements of the site. They have gone on to state "As the site is not yet controlled by a developer and is identified as a large site with phasing requirements, due to current market uncertainty resulting from Covid 19, it is proposed to seek the longer time for the submission of the Reserved Matters to enable both marketing and any subsequent phase sales to other developers to be carried out."

In light of this, it is agreed that the proposed increase in timescales for the submission of future reserved matters applications and subsequent start on site is proportionate to the scale of the site and phasing requirements. Accordingly, it is recommended that these timescales be agreed.

### Planning Obligations

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

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

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

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

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

- 25% on site affordable housing provision in accordance with the Council's adopted Policy.
- Commuted sum of £500 per dwelling towards sustainable transport measures.
- Financial contribution towards the enhancement of local bus services - £100k per annum for a period of 3 years
- Improvement of 4 bus shelters on Moor Lane South and Braithwell Road amounting to £63,389.10
- Education Contributions in accordance with the Council's adopted Policy.
- Formation of a Local Area of Play prior to occupation of the 100<sup>th</sup> dwelling
- Formation of a Local Equipped Area of Play prior to the occupation of the 200<sup>th</sup> dwelling

- Financial contribution towards the improvement of football pitches at Ravenfield Recreation Ground or Bill Hawes to provide playing surfaces - £15,000 prior to the occupation of the 250<sup>th</sup> dwelling.
- Establishment of a Management Company to manage and maintain the areas of Greenspace, including the proposed LAP and LEAP.

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

## **Conclusion**

The site was previously allocated for Green Belt purposes in the former Unitary Development Plan (UDP) but that Plan has been replaced with the adopted Local Plan, which includes the Sites and Policies Document that was adopted on 27 June 2018. The Sites and Policies Document removed the site from the Green Belt and allocated it for 'Residential' purposes. It forms allocated Housing Site H65 and is located within a suitable distance from local facilities. As such, the proposal is acceptable in principle.

The scheme is acceptable in terms of highway safety, provision of open space, drainage, ecology and landscaping as well as other general amenity issues identified above. The scheme is considered to be sustainable and has notable benefits in terms of market and affordable housing provision and associated social and economic benefits arising from such provision. Development in this location will support the ongoing delivery of services and facilities within the local area and provide much needed market housing to meet Local Plan targets for housing development within the Plan period to 2028.

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

## **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 2, 4, 5, 6, 11, 16, 19, 20, 28, 29, 30, 36, 37, 38, 29 & 41 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 2, 4, 5, 6, 11, 16, 19, 20, 28, 29, 30, 36, 37, 38, 29 & 41 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

- a. Application for approval of reserved matters must be made within five years of the date of this permission.
- b. The development hereby approved must be begun not later than whichever is the later of the following dates:
  - I. The expiration of seven years from the date of this permission; OR
  - II. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

02

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

Reason

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

03

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

- Location Plan dated July 2013
- Indicative Layout Plan dated Sept 2018
- Proposed Site Access Junctions – Dwg No. 001
- B6093/Flanderwell Lane Junction Improvement – Dwg No. 006
- M18 Junction 1 - Aone Dwg No. HE566833-AONE GEN-M18\_J1-DR-C-GA05-P01.
- Tree Constraints Plan – Dwg No. 01 Rev A

Reason

To define the permission and for the avoidance of doubt



04

Prior to the submission of the first Reserved Matters application, a plan shall be submitted to and approved in writing by the Local Planning Authority detailing how the development of the site shall be phased. The development shall thereafter be carried out in accordance with the approved plan.

Reason

To ensure high standards of urban design and comprehensively planned development are designed and phased to ensure maximum practical integration between different land uses to accord with policies CS28 'Sustainable Design' and SP55 'Design Principles'.

05

No above ground development shall take place until details of the materials to be used in the construction of the external surfaces of each phase 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

06

No development, shall take place in any of the geographical phases identified in the approved Phasing Plan, as required by Condition 04 until there has been submitted to and approved in writing by the Local Planning Authority a design code (including a supporting plan) for the geographical phase in question. The design code shall be approved before the submission of applications for the approval of reserved matters within that geographical phase and be in accordance with the principles described and illustrated in the submitted Masterplan document, unless otherwise agreed in writing by the Local Planning Authority.

The design codes and shall include codes for all matters listed below:

- Sustainable Design and Construction Principles
- Character Areas
- Block types
- Building Heights
- Density
- Relationship between proposed Landscape and Built Form
- Means of enclosure/boundary treatments
- Street Types and Street Materials
- Street Tree Planting
- Feature Spaces (including squares, parks and play areas) – if relevant to that phase
- Hard and Soft Landscape Treatments

- Advanced Structure Planting and phasing of landscape/Green Infrastructure implementation
- Planting character and establishment considerations
- Planting stock sizes including use of semi-mature tree planting
- Affordable Housing

Reason

To ensure high standards of urban design and comprehensively planned development are designed and phased to ensure maximum practical integration between different land uses to accord with policies CS28 'Sustainable Design' and SP55 'Design Principles'.

07

Applications for the approval of Reserved Matters shall be in accordance with the requirements of the approved Design Code for that geographical phase of development unless material considerations indicate otherwise.

Reason

To ensure high standards of urban design and comprehensively planned development are designed and phased to ensure maximum practical integration between different land uses to accord with policies CS28 'Sustainable Design' and SP55 'Design Principles'.

08

The proposed site layout shall be designed and constructed in accordance with the South Yorkshire Residential Design Guide including separation distances, private amenity space and internal spacing standards.

Reason

In the interests of ensuring a high-quality living environment for existing and future residents.

## **HIGHWAYS**

09

A detailed scheme to provide the works to Junction 1 of the M 18 Motorway as shown in draft form on Plan Reference, Aone drawing no. HE566833-AONE GENM18\_J1-DR-C-GA05-P01, or an alternative scheme that takes account of improvements that have either been carried out or agreed since the approval of this permission shall be submitted to and approved in writing by the Local Planning Authority. No more 80 dwellings (25%) shall be occupied until the approved highway works have been completed."

Reason:

In the interests of ensuring the safe and efficient operation of the Strategic Road Network.

10

The future development of the site shall be served from the access arrangement indication on plan reference AO94759-1 35 18 Drawing No. 001.

Reason

In the interests of road safety

11

The development shall not be commenced until details of the proposed improvement to the Flanderwell Lane/B6093 junction, indicated in draft form on plan reference AO94759-1 35 18 Drawing No. 006, have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented prior to the occupation of the 50th Dwelling on the site.

Reason

No details have been submitted for consideration.

12

On site car parking shall be provided in accordance with the Council's minimum car parking standards for new residential development.

Reason

In the interests of highway safety.

13

The proposed on site layout shall be designed to facilitate possible future vehicular access to the "safeguarded" land to the south.

Reason

To ensure a comprehensive development can be provided

14

Prior to the occupation of the first dwelling within each geographical phase of the development, details of vehicle charging points (a minimum of one point per dwelling) shall have been submitted to and approved by the local planning authority. Each dwelling shall not be occupied until the charging point has been provided, and they shall thereafter be retained.

Reason

In the interests of sustainable development and air quality.

15

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

a) a permeable surface and associated water retention/collection drainage,

or

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

The area shall thereafter be maintained in a working condition.

**Reason**

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

16

Prior to the commencement of any above ground development in each of the geographical phases as identified in the phasing plan as required by condition 4, road sections, constructional and drainage details, and timing of the carrying out of the works, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in accordance with the approved details.

**Reason**

In the interest of highway safety.

**LANDSCAPE AND ECOLOGY**

17

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

**Reason**

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

18

A Green Infrastructure Delivery Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The Delivery Plan shall be produced for the whole application site for a period of 5 years from completion of the final dwelling. The Plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The Delivery Plan shall demonstrate how public realm and green infrastructure management will be delivered to a high standard of safety and quality across the site. Within this plan site management objectives will be identified (these will include but not be limited to landscape, ecology, visitor and recreational management), potential conflicts arising from site management and their resolution and the management, and maintenance regimes required to achieve the objectives given. The delivery plan shall set

standards, and schedule work in order to ensure the safe and managed use of the site, the protection of wildlife and supporting habitat, and to promote the continuity of effective management throughout development phases.

Reason

To ensure that the future management maintenance repair and upkeep of the development is delivered to an appropriately high standard of safety and quality across the whole development.

19

Prior to the commencement of any development, details of a phased scheme of advanced structure planting to provide screen planting to the eastern and southern boundaries and structure planting along access roads shall be submitted to and approved in writing by the Local Planning Authority. The said planting shall thereafter be implemented in accordance with the approved details.

Reason

To ensure an appropriate standard of visual amenity in the local area.

20

Prior to the construction of development in any of the geographical Phases as outlined in the approved Phasing Plan, a badger survey shall be submitted to and approved in writing by the Local Planning Authority. Works on site shall thereafter be carried out in accordance with the approved details

Reason

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

21

All subsequent applications for the approval of reserved matters shall be accompanied by details of a sensitive lighting scheme. The approved details shall thereafter be implemented and retained for the lifetime of the development.

Reason

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

22

All subsequent applications for the approval of Reserved Matters shall incorporate the mitigation measures outlined in paragraphs 5.17 to 5.19 of the submitted Preliminary Ecological Assessment dated May 2018 and paragraphs 6.4 and 6.5 of the Reptile Survey dated May 2018.

Reason

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

**GENERAL AMENITY**

23

All subsequent applications for the approval of reserved matters shall be accompanied by a Construction Management Plan, The Plan shall include:

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

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity

24

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

Reason

In the interests of residential amenity.

25

Unless otherwise agreed in writing by the Local Planning Authority heavy goods vehicles should only enter or leave the site between the hours of 08:00 - 18:00 on weekdays and 09:00 - 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

Reason

In the interests of residential amenity

26

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

Reason

In the interests of residential amenity

27

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

Reason

In the interests of highway safety and residential amenity

**LAND CONTAMINATION**

28

Prior to development commencing, a Phase I Site Assessment Report consisting of a desk top study, a site walkover, and a conceptual site model shall be undertaken to obtain an understanding of the site's history, its setting and its potential to be affected by contamination. This report must be submitted to this Local Authority for review and consideration.

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

Subject to the findings of the Phase I and prior to development commencing, a Phase II Intrusive Site Investigation shall be submitted to an approved in writing by the Local Planning Authority to assess the geotechnical and geo-environmental constraints at the site. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced.

The above should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 -4).

Reason

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

30

Subject to the findings of the Phase II and prior to development commencing, a Remediation Method Statement shall be submitted to and approved in writing by the 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

31

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.

Reason

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



32

If subsoils/topsoils are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local 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

33

Following completion of any remedial/ground preparation works a Validation Report shall be submitted to and approved in writing by the Local Planning Authority. 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

**LEVELS**

34

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

**Reason**

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

## WASTE MANAGEMENT

35

Each subsequent application for Reserved Matters shall be accompanied by a Waste Management Strategy. This Strategy shall 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. 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;
4. measures to minimise the use of raw materials and minimise pollution of any waste;
5. details on how residual waste will be disposed in an environmentally responsible manner and transported during the construction process and beyond;
6. 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
7. details on how the development will be monitored following its completion.

Reason

To determine the amount and type of waste that will be produced on site, and how it will be re-used during construction when waste is removed from site. In accordance with the provision of WCS7 of the Barnsley, Doncaster and Rotherham Joint Waste Plan.

## ARCHAEOLOGY

36

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:

- 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.

**DRAINAGE AND FLOOD RISK**

37

Notwithstanding the submitted drawings, prior to the submission of the first reserved matters, a drainage strategy and masterplan for the whole of the allocation and a foul and surface water drainage scheme for the site, 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 strategy shall be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. 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 foul discharge to rates agreed by Severn Trent Water and surface water runoff to the approved discharge rates, based on the area of site currently developed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus 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 and facilitates a comprehensive drainage scheme for the whole housing allocation in accordance with the Local plan and the NPPF.

38

Notwithstanding the submitted documents, prior to the submission of the first reserved matters application, an updated Flood Risk Assessment based on existing flood risk, proposals to mitigate flood risk and sustainable drainage principles for the development, 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.

Reason

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

39

Notwithstanding the submitted documents, prior to the submission of the first reserved matters application, 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 that the development can be properly drained and will be safe from flooding in accordance with the Local plan and the NPPF.

40

No building or similar structure shall be erected within 5m of the top of the near bank of the watercourse on the northern edge of the site. Sufficient access to allow maintenance of this watercourse shall be provided.

Reason

To ensure that the development does not increase flood risk from this watercourse and allows for future maintenance.

41

Prior to the submission of the first Reserved Matters application, a foul water sewer modelling assessment shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall determine what impact the generated flows from this site will have on the network and determine the maximum pump rate that could be accommodated within the existing network without worsening the existing sewer performance in rainfall events.

Reason

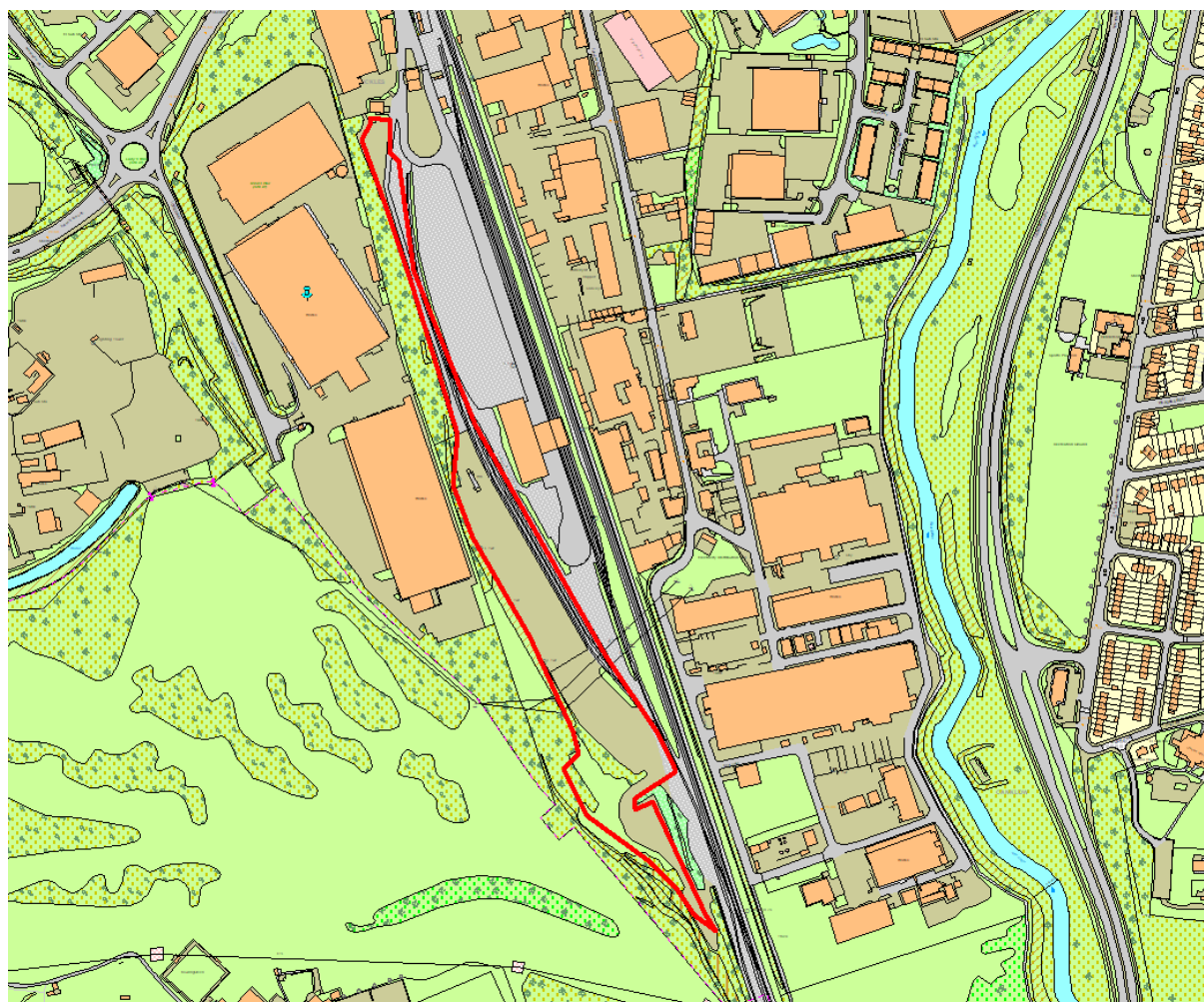
To ensure that the development can be properly drained and will be safe from flooding in accordance with the Local plan and the NPPF.

# 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.

<b>Application Number</b>	RB2019/1390 <a href="https://rotherham.planportal.co.uk/?id=RB2019/1390">https://rotherham.planportal.co.uk/?id=RB2019/1390</a>
<b>Proposal and Location</b>	Construction and operation of a metal recovery centre (Shear Processing Plant) including associated access
<b>Recommendation</b>	Grant Conditionally

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



## **Site Description & Location**

The site is situated within an existing scrap metal handling facility off Sheffield Road within the Templeborough area of the borough and consists of existing areas of material storage within the centre and areas of low value vegetation along the southern boundary. Industrial buildings are located to the north, east and west with a railway line running adjacent along the eastern boundary. There is also a golf course to the west, additional rail line to the east and major road networks to the north, east and south. Beyond the immediate site boundary is the River Don to the north and River Rother to the east. The nearest residential property is located approximately 0.14km to the south.

## **Background**

The following applications related to the application site:

- RB2005//0074 – Erection of rail fed asphalt plant – Granted Conditionally 26.05.2005
- RB2013/1331 - Installation of a biomass energy development incorporating a 350,000 tpa wood pellet manufacturing process and an associated biomass combined heat & power (CHP) plant – Granted Conditionally 28.04.2014

## **EIA Screening**

The proposed development falls within the description contained at paragraph 4 (b) 'Installations for the processing of ferrous metals', of Schedule 2 of the 2017 Regulations and meets the criteria set out in column 2 of the table in that Schedule. However, Rotherham Metropolitan Borough Council as the relevant local planning authority, having taken into account the criteria set out in Schedule 3 to the 2017 Regulations, is of the opinion that the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size or location.

Accordingly the authority has adopted the opinion that the development referred to above for which planning permission is sought is not EIA development as defined in the 2017 Regulations.

## **Proposal**

This is a full application which seeks permission for the construction and operation of a metal recovery centre (Shear Processing Plant). The proposed development would provide the service of shearing scrap metal which is currently carried out off-site and then transported onto site.

In terms of the process, the applicant has indicated that all deliveries of scrap metal would be weighed in at the site weighbridge. All metals will have been cleaned and processed prior to shipping to the site so that there will be no contaminants (chemicals, fuels etc.) within the shipments.

The Scrap Yard Manager would conduct an initial check of the load which, if found to be satisfactory, would be allowed to be tipped whereupon a thorough inspection would then be made. In the event of any non-conforming items of waste being identified, these would be stored in a clearly marked quarantine area for authorised disposal. Any loads delivered to the Site that are found to contain non-conforming wastes would be returned to the supplier wherever possible. Should this not be practicable the waste would be stored in a clearly marked quarantine area prior to authorised disposal. There would be no processing of liquids, sludge or wastes comprising solely or mainly of dusts, powders or loose fibres.

Any incoming (unprocessed) scrap metal received at the Site will be treated through the use of shear. The shearing process only changes the physical shape, particularly the length, and would not change any chemical properties of the material or cause the release of any substances.

A material handler would load the shear's box with oversize material. The box would then close in a clamshell action and compress the loaded material. A ram would then push the material towards the shear blade and that blade would drop periodically, depending on the length of finished product that is required.

It is proposed to process both ferrous and non ferrous material with a maximum throughput as outlined below:

Table 4.1: Proposed Waste Volumes				
	Annum	Month	Week	Day
<b>Total Waste Input (tonnes per annum)</b>	75.000	6.250	1.562	312
<b>Ferrous Recovery (tonnes per annum)</b>	73.500	6.125	1.530	306
<b>Non-ferrous Recovery (tonnes per annum)</b>	1.500	0.125	32	6
<b>Maximum Storage Capacity (at any time)</b>	5,000 tonnes			

The shear processing plant is proposed to be in operation during the following hours:

- Monday to Friday: 06:00 – 18:00;
- Saturday: 06:00 – 17:00; and
- Sundays and Bank Holidays: 06:00 – 14:00,

In terms of the physical requirements to facilitate the shear processing use, the proposed development would consist of the following:

- Relocation of weighbridge to new location within the site;
- Installation of a new weighbridge;
- Installation of a cabin between the existing and new weighbridges;
- Erection of 1no. Shear (30m x 12.6m including base);
- Erection of new storage areas for scrap metal
- Installation of 2 no. diesel tanks
- Siting of 2no. storage containers

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

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

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

Local Plan policy(s):

- CS3 Location of New Development
- CS9 Transforming Rotherham's Economy
- CS30 Low Carbon and Renewable Energy Generation
- CS33 Presumption in Favour of Sustainable Development
- SP16 Land Identified for Industrial and Business Uses
- SP49 Safeguarding Mineral Infrastructure
- SP52 Pollution Control
- SP55 Design Principles
- WCS1 Barnsley, Doncaster and Rotherham's overall Strategy for achieving Sustainable Waste Management
- WCS6 General Considerations for all Waster Management Proposals

### **Other Material Considerations**

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



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

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

## **Publicity**

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 6 letters of representation have been received. Comments are summarised below:

- There is already a shear plant operator (CF Booth) in close proximity. Opening another plant will not create healthy competition or economic growth. Instead it will cause significant harm to existing operations and the local economy.
- Details on the application are misleading. On the matter of land contamination, it is stated that the land is not contaminated. How can this be if it is already a scrap yard?
- The application states that surface water will be dealt with via a soakaway. Soakaways cannot be used for this type of facility.
- The application form states 6 new jobs will be created yet the transportation response states that 10 vehicular movements will take place. This does not add up.
- The application also states that no trade waste will be created. This type of operation cannot take place without lubricants, oil, grease etc. This is therefore not the case.
- This will have a damaging effect on our business as we have been providing services to CF Booths for some time
- We should be protecting Rotherham's existing major employers, CF Booth.
- AS a CF Booth Group of companies we employ over 250 employees who's jobs would all be in jeopardy if this plant was to go ahead.
- We are worried that this company will not undertake the process correctly.
- Rotherham does not need another shear processing plant.
- The proposal conflicts with guidance in the NPPF. It would not lead to economic growth and future prosperity but would cause detriment to existing businesses.
- A development of this nature is unnecessary when an existing operation exists less than 1 mile away.
- The new plant will create 6 new jobs but if allowed this could cause our business to lose trade along with other businesses, including CF Booth.

In addition to the above, one request to speak at Planning Board has been received from the applicant.

### **Consultations**

RMBC Transportation and Infrastructure Service – note that the development would typically generate some 42 vehicular movements per day by large commercial vehicles and some 10 per day by employees. Accordingly, this is unlikely to result in a material adverse impact at the existing vehicular access to Sheffield Road. On that basis, no objections are raised to the proposed development.

RMBC Environmental Health – have examined the supporting documents and in particular the Noise Report and associated hours of operation and have concluded that the proposed operation will not have a detrimental impact on the amenity of neighbouring occupiers and residents.

RMBC Environmental Health – Land Contamination raise no objections in principle to the process, however, note that supporting facilities such as ancillary offices and a weighbridge could be impacted from contamination given the historic use of the site as a series of railway sidings. A number of conditions are therefore recommended to assess this impact.

RMBC Environmental Health – Air Quality notes that an Environmental Permit exists and as such air quality (and other matters) will be adequately controlled through the environmental permitting process.

RMBC Drainage acknowledge that the proposals do not constitute a major redevelopment of the site and as such raise no objections subject to the imposition of conditions.

### **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
- Noise Impact
- Impact on Air Quality
- Access and Transportation Considerations
- Visual Amenity
- Drainage and Flood Risk Issues
- Ecological Considerations
- Land Contamination Considerations
- Other Matters raised by objectors

#### Principle of Development

The application site is located within a wider allocation for Industrial and Business purposes wherein Policy SP16 'Land Identified for Industrial and Business Uses' applies. This Policy states: "Within areas allocated for industrial and business use on the policies map, development proposals falling within Classes B1b and B1c, B2 and B8 will be permitted." The proposed development consists of the construction and operation of a metal recovery centre (Shear Processing Plant) which does not fall within any of the defined use classes, and as such is deemed to be sui generis. Nevertheless, the process is generally industrial in nature and as such there will be no land use conflicts arising from the proposed development, and that in generating some 6 new full-time jobs, it will contribute to employment within the area.

Furthermore, given the site's location on former railway sidings, Policy SP49 Safeguarding Mineral Infrastructure states "Permission for non-minerals development involving or within 250m of existing, planned or potential safeguarded material infrastructure sites will be granted where it can be demonstrated that:

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

The Policy goes on to identify wharves and rail sidings that are safeguarded infrastructure sites. These are existing rail sidings which are not currently in use for mineral transportation but could have the potential for such use in the future. One of which is 'Masbrough rail sidings', which is located adjacent to the eastern boundary of the site. The proposed development would not therefore prejudice any future use of this area and as such would not affect its future use for mineral infrastructure operation.

Having regard to the Barnsley, Doncaster and Rotherham Joint Waste Plan, this sets out the overall approach to managing waste over the next 15 years. The Plan recognises the ‘need to develop new technologies and alternative solutions to manage waste in a way that reduces emissions, conserves or produces new resources and protects or enhances the quality of the environment’. It also identified commercial and industrial waste as a waste stream that needs to be managed within the plan area.

Policy WCS6 ‘General Considerations for all Waste Management proposals’ states that proposals should, amongst others:

- Support the vision, aims and overall strategy of the Joint Waste Plan [...];
- Provide access to and from the main transport network [...];
- Ensure there is adequate highway capacity to accommodate any additional vehicles generated;
- Ensure there is adequate space on site for vehicles to enter, wait, unload and leave safely; [...]
- Provide high quality design and architecture; [...]
- Provide adequate means of controlling noise, vibration, glare, dust, litter, odor, vermin and other emissions; [...]
- Will maximise any training and educational opportunities arising from the development”.

Having regard to the above, the wider site already has permission for the handling of scrap metal and the introduction of the shearing process on site will support the vision, aims and overall strategy of the Joint Waste Plan. The remainder of this report will consider the proposals against the remaining criteria.

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

Policy CS27 ‘Community Health and Safety’ states, in part, that: “Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.

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

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

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.

- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.
- c. the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality Management Areas and meeting the aims and objectives of the Air Quality Action Plan.
- d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.
- e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals.”

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

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

The Council’s Environmental Health Officers have assessed the Noise Assessment and Air Quality Assessment submitted in support of the application. They note that the proposed works is for the construction and operation of a metal shearing plat within an existing metal scrap yard facility and the closest residential dwellings are located approximately 700m to the south of the site on Fernleigh Drive. Additional dwellings are located to the east of the site, across the railway bridge and Centenary Way in Canklow.

A noise assessment was requested due to concern that noise from the proposed shearing plant may have an adverse impact on the occupiers of these nearby domestic dwellings. In order to assess the impact of noise emissions from the proposed development, a noise propagation model was produced which predicts the noise emission levels at the nearest sensitive receptor. This assessment was made against the existing background sound levels, which were quantified through baseline sound level monitoring during early morning and regular weekday working hours.

The assessment has determined that noise emission levels are likely to be more than 10dB below the existing background sound levels at all receptor location. Accordingly, the Council's Environmental Health Officer considers that the proposed development will not have an adverse noise impact on the local area.

Turning to the assessment of impact of the development on air quality, The submitted Air Quality Assessment notes that *"All plant operation will be part of an environmental permitting process under the EPR17 regime. Therefore, all operational dust will be monitored, managed and regulated by an Environmental Permit (issued by the Environment Agency) including the shear plant."*

In this regard, Paragraph 183 of the NPPF states "where emissions are controlled through environmental permitting, the planning system need only focus on whether the proposal represents an appropriate use of land and should assume that the permitting regime will be effective in protecting sensitive receptors". Accordingly, in this instance, the Council is satisfied that the impact of the development will be controlled adequately through the environmental permitting process.

In relation to ground conditions, the Council's Land Contamination Officer has assessed the relevant submitted information and notes that contamination on the site is a possibility due to its historic use as railway sidings. As such it is considered prudent to impose conditions on any future planning approval requiring the submission of a Phase I Site Assessment Report and Remediation Method Statement (if required) to assess the full extent of any contamination present on site.

The proposal is therefore considered acceptable in in compliance with the relevant Local Plan policies subject to the relevant conditions.

### Transportation Considerations

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

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

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

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

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

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;

and

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

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

Within the supporting information, it is noted that "*The proposed development would utilise an existing wide entrance off a local road suitable for HGV's ..... During the operational period the proposed development would typically generate the following one-way traffic flows on the highway system*

- *HGV's – 10 x Roll On Roll Off lorries;*
- *5 x skip lorries;*
- *6 x bulk tippers all transporting scrap metal to and from site arriving & departing between 10:00 and 13:00;*
- *5 x employee vehicles, 4 of which arrive at 06:30-07:00 and leave at 17:00-17:30."*

The Transportation Unit note that the development would typically generate some 42 no. vehicle movements per day by large commercial vehicles and some 10 no. per day by employees. These relatively low levels of movement are unlikely to result in a material adverse impact at the existing vehicular

access to Sheffield Road or on the free flow of traffic in the immediate area. Accordingly, it is considered that the proposal is acceptable in Transportation terms, and in compliance with the relevant Local Plan policies.

### Visual Amenity

Local Plan 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. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover, it states design should take all opportunities to improve the character and quality of an area and the way it functions.

Policy SP55 'Design Principles' states development is required to be of high quality and incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions.

The NPPF at paragraph 124 states: "Good design is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 states planning decisions should ensure developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting...establish or maintain a strong sense of place..."

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 proposed development once operational would cover an area of approximately 2.4ha within the security fenceline. The proposed development would comprise of:

- 1 no. Shear (18.17m x 5.8m);
- Storage areas for scrap
- 2no. storage containers
- 2 no. Diesel Tanks;
- Office portacabins;
- 2 no. Weighbridges; and
- 4 no. parking bays



The layout and design of the proposed development has been informed primarily by the technical requirements of the process, but also the baseline information collated as part of the noise monitoring work which determined the optimum location for each component in order to reduce the impact on residential amenity. In summary, the new office portacabins, and weighbridges are located to the north of the site, whilst the diesel tank, shear machine and external metal storage areas are located to the south.

The external appearance of the proposed built form, as you would expect from a development of this nature is very utilitarian in design and their use of external materials reflect the industrial character of the wider area.

The proposed office element consists of a double height portacabin block with accommodation over 2 floors. It has a functional appearance and an overall footprint of 12.4m x 5.9m and height extending to 5.6m with external staircases. Its location within the site, adjacent to existing large scale industrial buildings will mean that it is not visible from any public vantage point. Also, within this immediate area is the proposed new weighbridges and associated single storey cabin. Again, these have been designed with function in mind and reflect the character of the wider area.

The remaining elements of the proposed development consists of 2 no, x 5,000 litre diesel tanks, the shear machine itself, 2no. storage containers and external storage areas for the scrap metal, amounting to a total area of 3,816m<sup>2</sup>. These are all located within the southern area of the site, and some adjacent to the shared boundary with the golf course. With this in mind, it is noted that vegetation exists on this boundary which almost screens the site in its entirety from the golf course. This together with the lower land levels on the application site and condition restricting storage heights to 4 m, will ensure that the outdoor storage of scrap metal will not be visible from the golf course, which will in turn protect the views from this important vantage point.

Taking the above into account, the layout and external appearance of the built form represents an acceptable form of development in this heavy industrial area. The external storage of scrap metal will be screened from view from the adjacent golf course by existing vegetation and a condition restricting the overall height of this storage will ensure this view is safeguarded. On that basis, it is considered that the proposals represent an acceptable form of development in this industrial area and as such conforms with the provisions of the relevant policies in the adopted local plan.

#### Drainage and Flood Risk Issues

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

"Proposals will be supported which:

- a. do not result in the deterioration of water courses and which conserve and enhance:
  - i. the natural geomorphology of watercourses,

- ii. water quality; and
  - iii. the ecological value of the water environment, including watercourse corridors;
- b. contribute towards achieving 'good status' under the Water Framework Directive in the borough's surface and groundwater bodies
- c. manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;
- d. improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,
- e. dispose of surface water appropriately according to the following networks in order of preference:
  - i. to an infiltration based system wherever possible (such as soakaways)
  - ii. discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)
  - iii. discharge to a public sewer."

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

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

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

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

The application site is not within an area of flood risk, and the Council's Drainage Engineer raises no objection to the application following the submission of additional information relating to the process involved and a comparison of existing areas of hardstanding to what is proposed.

Accordingly, the proposed development will not have a detrimental impact on flood risk within the area and the surface water run off can be adequately accommodated on site. The proposals therefore accord with the provision of Policies CS24, CS25 and SP47.

### Ecological Considerations

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

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

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

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

Policy SP34 'Sites Protected for Nature Conservation', states in part, that: "Development that would either directly or indirectly, adversely affect a non-statutorily protected site will not normally be permitted".

The application has been supported by Preliminary Environmental Appraisal which includes a Phase 1 Habitat Survey in order to classify the habitats present on site. The Survey confirms that the majority of the site comprises of areas of hardstanding and bare ground, however the southern site peripheries are present as scrub and grassland. No records of statutory or non-statutory sites within the proposed development boundary or in habitats immediately adjacent are found and the only records of protected species within 2km include slow worm, grass snake, adder, 'bats', Daubenton's bat, pipistrelle sp., common pipistrelle, brown long eared bat, otter, badger and water vole. Priority/UKBAP species within the

same radius include hedgehog, brown hare, a variety of butterflies (dingy skipper, wall, small heath, white letter hairstreak, small blue), smooth newt, common toad and common frog

As a result of the proposed development, it is acknowledged that habitats of low ecological value (bare ground and hard standing) will be lost. There is unlikely to be any effect on protected species but mitigation measures are proposed to address the residual low risk during construction. These include:

- clearance of any vegetation outside of the bird breeding season;
- any rubble or logs on site would be dismantled by hand to check for reptiles or amphibians;
- trenches and excavations would be covered at night or where this is not possible they would include a means of escape for small mammals such as a badger or hedgehog
- sensitive lighting on a sensor or timer to avoid disturbance to bats or other nocturnal species.

The Council's Ecologist has appraised the submitted information and broadly concurs with the findings. Accordingly, and subject to the aforementioned mitigation measures being secured via a suitable worded condition, the proposed development accords with the relevant conditions contained within the adopted local plan.

### Other Matters raised by objectors

Many of the issues raised within the representations relating to land contamination, drainage and the process have been addressed in the preceding paragraphs, however there were a number of concerns relating to the proposed facility directly competing with existing operations within Rotherham. In addressing this matter, the loss of trade to a competitor or competition is not a material planning consideration and therefore cannot be taken into consideration in this instance.

### **Conclusion**

The site is allocated for industrial and business purposes in the adopted local plan and whilst it acknowledged that the proposed development does not fall within the permitted use classes, the industrial nature of the process would not conflict with existing operations on adjacent sites. Accordingly, the proposals are considered to be acceptable in principle.

The built form of the development is utilitarian in design and appearance; however it reflects the industrial character of the area. The process has been considered in light of noise, air quality and land contamination considerations and conforms with the requirements of the relevant policies in the adopted local plan. The scheme is considered to be sustainable and has notable benefits in terms of generating employment within the Borough.

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

## **Conditions**

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

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

01

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

### **Reason**

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

02

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

- Site Location Plan – Ref 13222-004
- Site Layout Plan A – Ref 13222-005
- Site Layout Plan B – Ref 13222-005
- Site Layout Plan C – Ref 13222-005
- Site Access Plan – Ref 13222-010
- General Arrangement Plan – Relocation of existing / new weighbridge – Ref C03
- General Arrangement Plan - New Scrap Handling Yard Slab – Ref: C04
- External Works Details – Ref C05
- Weighbridge Control Cabin Plans, Elevations and Details – Ref C13
- Office Cabin Plans & Elevations – Ref C15
- Storage Container & Fuel Tank Plans and Sections – Ref C17
- Proposed Site Surfacing Plan – Ref: C19 Rev A

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

The open storage of materials on the site shall not exceed a height of 4 metres above the general surface of the site.

Reason

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

Amenity

05

The metal shear facility shall only be operated between the hours of 06:00hrs and 18:00hrs Mondays to Fridays; 06:00hrs and 17:00hrs on Saturdays and 06:00hrs and 14:00hrs on Sundays and Bank Holidays.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Policy SP52 'Pollution Control'.

06

Prior to the commencement of development, a Phase I Site Assessment Report shall be submitted to and approved by the Local Planning Authority. The report shall consist of a desk top study, a site walkover, and a conceptual site model to obtain an understanding of the site's history, its setting and its potential to be affected by contamination. If further intrusive investigations (Phase II Site Investigation) are recommended, then these works must be undertaken in accordance with the conclusions and recommendations detailed in the Desk Study Report and the findings must be further submitted to and approved by the Local Planning Authority. The above should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR 2-4).

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.

07

Subject to the findings of the works as required in condition 06, a Remediation Method Statement shall be submitted and approved by the Local Planning Authority prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

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

08

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

09

Prior to development if subsoil's/topsoil's are required to be imported to site for remedial works/soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination.

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.

10

Following completion of any required remedial/ground preparation works a Verification Report shall be submitted and approved in writing by the Local Planning Authority. The Verification 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 Verification 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 verification data has been approved by the Local Planning Authority.

**Reason**

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

**Ecology**

11

The mitigation measures outlined in Chapter 6, on page 23 of the Preliminary Ecological Appraisal, prepared by Patrick Parsons dated 05/07/2019 shall be followed in their entirety, unless otherwise agreed in writing by the Local Planning Authority.

**Reason**

In the interest of biodiversity at the site in accordance with Policies in the NPPF.

**Drainage**

12

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

a/ a permeable surface and sub-base, or;

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

The area shall thereafter be maintained in a working condition.

**Reason**

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



13

Surface water from areas likely to receive petrol/oil contamination shall be passed through effective oil/grit interceptors prior to discharge. This requirement is in addition to compliance with Chapter 4 of The Environmental Permitting (England and Wales) Regulations 2016 Standard Rules SR2015 No14 Metal recycling site.

Reason

To prevent pollution of any watercourse or groundwater in accordance with the Local plan and the NPPF.

### **POSITIVE AND PROACTIVE STATEMENT**

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