

**PLANNING REGULATORY BOARD**

**Date:- Thursday 14 October 2021**      **Venue:- Town Hall, The Crofts,  
Moorgate Street, Rotherham.  
S60 2TH**

**Time:- 9.00 a.m.**

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

**AGENDA**

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 6)  
*(A form is attached and spares will be available at the meeting)*
5. Minutes of the previous meeting held on 23rd September, 2021 (Pages 7 - 9)
6. Deferments/Site Visits (information attached) (Pages 10 - 11)
7. Development Proposals (Pages 12 - 84)
8. Updates
9. Date of next meeting - Thursday, 4th November, 2021 at 9.00 a.m.

**Membership of the Planning Board 2021/22**

Chair – Councillor Atkin

Vice-Chair – Councillor Bird

Councillors A. Carter, Castledine-Dack, Cowan, Elliott, Fisher, Havard, Keenan, Lelliott, McNeely, Sansome, Tinsley, Wilson and Wooding.

Reserve:- Councillor Khan

# 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

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 online at least 5 days prior to the meeting, and a few copies will be made available at the meeting, so you can read the report 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.

Take time to familiarise yourself with the layout of the Chamber and the procedure of the meeting, before 'your' application is reached.

Please note that applications can sometimes be withdrawn or deferred at short notice. **The Council will do its best to notify the public in advance**, but on occasions this may not be possible.

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

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

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

## **YOUR RIGHT TO SPEAK**

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

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

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

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

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

## **CONDUCT OF COMMITTEE MEETINGS**

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

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

# KEEP SAFE WHILE VISITING RIVERSIDE HOUSE AND THE TOWN HALL



## HOUSE KEEPING TIPS

- Meeting rooms and the Council Chamber will be sanitised before and after every meeting.
- Follow the one-way systems in place.
- Only one person (and their carer) should use a lift at a time.
- You're advised to take LFD tests at home, regularly if you don't have symptoms. **Visit the Council's website for details of where and how to get free LFD tests.**
- If you have any **symptoms of COVID-19**, you must self-isolate at home and book a PCR test. **Visit the Council's website for details of how to book a PCR test.**

Further information about COVID-19 can be found at  
[www.rotherham.gov.uk/coronavirus](http://www.rotherham.gov.uk/coronavirus)

[www.rotherham.gov.uk/coronavirus](http://www.rotherham.gov.uk/coronavirus)

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**PLANNING BOARD**

**MEMBERS' DECLARATION OF INTEREST**

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

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

**1. Disclosable Pecuniary**

☐

**2. Personal**

☐

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

*(Please continue overleaf if necessary)*

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

Signed:- .....

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

**PLANNING BOARD**  
**23rd September, 2021**

Present:- Councillor Atkin (in the Chair); Councillors Bird, Cowen, R. Elliott, Fisher, Havard, Keenan, Lelliott, McNeely, Sansome, Tinsley, Wilson and Wooding.

An apology was received from Councillor Castledine-Dack.

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

**33. EXCLUSION OF THE PRESS AND PUBLIC**

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

**34. MATTERS OF URGENCY**

There were no matters of urgency for consideration.

**35. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to record.

**36. MINUTES OF THE PREVIOUS MEETING**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 12<sup>th</sup> August, 2021, be approved as a correct record of the meeting.

**37. DEFERMENTS/SITE VISITS**

There were no site visits recommended.

**38. 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:-

**PLANNING BOARD - 23/09/21**

- Erection of 8 No. dwellinghouses with associated parking at land adjacent 7 Manor Road Brampton Bierlow for BO Homes (Yorkshire) Ltd, (RB2021/0309)

Ms. J. Newby (Objector)

A statement was read out on behalf of Mr. and Mrs. Krill (Objectors)

- Single storey extension to create 2 no. commercial units (Class E a/b/c) at 115-117 Whitehill Road Brinsworth for Koko Investments Ltd and Mr & Mrs Khela (RB2021/0921)

Ms. L. Sadler (on behalf of the Applicant)

A statement was read out on behalf of Ms. C. Hewitt who was representing her mother.

- Demolition of existing unlisted detached bungalow and part of front wall in Wickersley Conservation Area and erection of 1 no. dwellinghouse and new front wall at 4 Gillott Lane Wickersley for Mr & Mrs Lightfoot (RB2021/1370)

Mr. J. Knowles (on behalf of the Applicant)

A statement was read out on behalf of Mr. and Mrs. R. Bowns (Objectors)

- Application to Vary Condition 04 (timing of installation of traffic humps) imposed by RB2019/0837 at land east of Wentworth Way Dinnington for Taylor Wimpey Yorkshire (RB2021/1402)

Mr. J. Rafferty (Objector)

(2) That applications RB2021/0309, RB2021/0921 and RB2021/1402 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(3) That application RB2021/1370 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report with the addition of a further condition relating to obscure glazing to the window on the west elevation.

**39. UPDATES**

The following update information was provided:-

Guidance was provided to Planning Board Members on lobbying, which could lead to the impartiality and integrity of a Councillor being called into question, unless care and common sense was exercised by all the parties involved.

It remained good practice that, when being lobbied, Planning Board Members should make it clear that they would only be in a position to take a final decision after having heard all the relevant arguments and taken into account all relevant material and planning considerations at the meeting itself.

It was suggested that a response template be developed that Councillors could distribute when contacted by developer or members of the public.

**40. DATE OF NEXT MEETING**

Resolved:- That the next meeting of the Planning Board take place on Thursday, 14<sup>th</sup> October, 2021 at 9.00 a.m. at Rotherham Town Hall.



**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 14<sup>TH</sup> OCTOBER 2021**

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

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**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE THURSDAY 14<sup>TH</sup> OCTOBER 2021**

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

<b>Application Number</b>	<b>RB2021/1540</b> <a href="https://rotherham.planportal.co.uk/?id=RB2021/1540">https://rotherham.planportal.co.uk/?id=RB2021/1540</a>
<b>Proposal and Location</b>	Erection of 197no. dwellinghouses with access, landscaping and associated works at land off Chapel Way / Lambrell Avenue, Kiveton Park
<b>Recommendation</b>	<p>(A) That the Council enter into a legal agreement with the developer 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>• 43 Affordable Housing Units on site</li> <li>• A commuted sum of £384,422, towards Secondary / SEND (Special Educational Needs and Disability) and SEMH (Social, Emotional and Mental Health) education provision in the area.</li> <li>• A commuted sum of £98,500 towards sustainable travel encouragement</li> <li>• Financial contribution of £30,000 to enable improvements to children's play area at the Parish Council recreation ground off Wales Road.</li> <li>• Establishment of a Management Company to manage and maintain the areas of Greenspace on site.</li> </ul> <p>(B) Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

*This application is being presented to Planning Board as it is a 'Major' application and due to the number of objections.*



### Site Description & Location

The site is approximately 10.16 hectares in area and comprises of arable land with a dense landscaped edge to the south. The site is to the south of the residential settlement of Kiveton and is bound to the north by residential dwellings and associated gardens; to the east by residential dwellings from MacKinnon Avenue; to the south by a Public Right of Way (PRoW) Bridleway and Kiveton Community Woodland; and to the west by a PRoW and grazing land.

Chapel Way, from which the site will be accessed to the north east, is a single carriageway two-way residential road which is subject to a 30mph speed restriction, is street lit and has footways present along both sides of the carriageway. Running in a north / south alignment, Chapel Way provides access to a number of residential streets before forming a three-armed priority roundabout with the B6059 Wales Road.

Lambrell Avenue, from which the site will be accessed to the north west, is a single carriageway two-way residential road which is subject to a 30mph speed restriction, is street lit and has footways present along both sides of the carriageway. Running in a general north / south alignment, Lambrell Avenue provides access to a number of residential streets before forming a priority T-junction with Walesmoor Avenue. Walesmoor Avenue continues in a northerly alignment providing access to the B6059 Wales Road, approximately 550m to the north of the site.

Wales Road is a single carriageway two-way road which is subject to a 30mph speed restriction, is street lit and has footways present along both

sides of the carriageway. Pedestrian crossing facilities are present on the B6059 Wales Road, in the form of a zebra crossing with dropped kerbs and tactile paving.

The site is comprised of three irregular shaped agricultural fields divided by mature tree lined hedgerows and an unnamed watercourse running north to south through the development. An agricultural ditch runs through the centre of the site in a north-south direction acting as a boundary between the fields. The site's topography falls north-west to south-east within the west development area at a gradient of approx. 1 in 27, and east to west within the east development area at a gradient of approx. 1 in 17. Both areas fall to the unnamed watercourse crossing the site.

The land to the west is allocated as safeguarded land.

This site comprises the whole of Housing Allocation site H91 in the Council's adopted Local Plan.

The Chesterfield Canal runs adjacent to part of the southern boundary of this site and there is an associated bridleway adjacent to the Canal.

## **Background**

There have been several planning applications submitted relating to this site and its past history as a coal field. The applications are summarised as:

KP1964/1751 – Working of Coal Seam – Granted 17 January 1966

KP1971/3029 – The winning working & getting of coal by underground workings – Granted Conditionally 13 October 1971

RB1982/0657 – Working of the two foot (sough) seam of coal by underground methods – Granted Conditionally 10 December 1982

RB2021/0048 – Erection of 197no. dwellinghouses and associated works – Refused – 17 June 2021

The application was refused for the following reasons:

01

*The Local Planning Authority consider that the applicant has failed to demonstrate that the proposed development would not have an adverse impact on the local highway network to the detriment of existing highway users and the local community. The contents of the Transport Assessment is not considered robust enough to demonstrate that the local network can accommodate the vehicular movements created from this development. The development therefore does not comply with the National Planning Policy Framework in that the proposal has not demonstrated that it does not have a residual cumulative impact on the road network.*

02

*The Local Planning Authority consider that the applicant has failed to demonstrate that the proposed development would not have an adverse impact on the biodiversity of the site and the immediate surrounding area such that the scheme could have a negative impact on local wildlife habitats. The proposal would therefore be in conflict with policies CS20 'Biodiversity and Geodiversity'; SP33 'Conserving the Natural Environment' and SP35 'Protected and Priority Species' of Rotherham's adopted Local Plan and paragraph 170 of the National Planning Policy Framework.*

### EIA Screening Opinion

The proposed development falls within the description contained at Paragraph 10 (b) of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 2017 and meets the criteria set out in column 2 of the table in Schedule 2 i.e. the number of dwellings proposed exceeds 150 and the site area exceeds 5ha. However, the Borough Council as the relevant Local Planning Authority has taken into account the criteria set out in Schedule 3 to the Regulations and it is considered that the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size and location.

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

### CIL

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

### **Proposal**

The proposal is for the erection of 197 dwellings with landscaping, access and associated works.

The dwellings will be a mix of detached, semi-detached and terraced units. The majority will be either two or two-and-a-half storey in height, although there will be some bungalows and some three-storey properties around the site.

The three storey properties will be sited to the south of the site and within the centre of the site towards the west. There will 8 bungalows within the site, the majority will be sited to the north of the site, with the rest towards the south-west corner of the site.

The Housing Mix is proposed as follows:

32 x 2 bed

96 x 3 bed

7 x 4 bed

19 x 5 bed

43 x affordable housing properties (8 x two bed bungalows; 18 x two bed houses; 13 x three bed houses and 4 x four bed houses)

All properties will have similar design features running throughout the scheme and all house types are the housebuilders standard house types. The proposed dwellings will be constructed using a mixture of Buff Brick; Pitched Face Stone; Red Brick; Grey Concrete Roof Tile and Red Concrete Roof Tile.

Vehicular, walking and cycling access is proposed to the north of the application site via two points of access; Chapel Way and Lambrell Avenue, both existing residential streets. Footways are proposed along both sides of each access road and will tie in with the existing footways present on Chapel Way and Lambrell Avenue. The existing Public Right of Ways (PROW) running along the western and southern boundaries of the site will be maintained.

The parking standards are as follows:

1 – 2 bedrooms – 1 space per dwelling; and

3 + bedrooms – 2 spaces per dwelling;

Where garages are provided, as detailed above these would have minimal internal dimensions in line with RMBC requirements and secure cycle parking will be provided across the site. Each property will be provided with solo smart chargers for the charging of Electric Vehicles.

The proposal includes scope to access the safeguarded land to the west.

An area of greenspace along the southern extent of the site extending centrally to the north is proposed which corresponds with the extent of the flood zone and the proposed underground surface water storage infrastructure.

An area within the centre of the site is to be provided for a LEAP play facility for children aged 8 and above.

A pumping station is also proposed within the site between plots 4 and 5 adjacent the unnamed watercourse that runs through the site.

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



## Planning Statement

The Statement provides detailed analysis of the site, its planning history and a description of the development. It also provides an assessment against the relevant national and local planning policies and guidance.

## Transport Assessment

The purpose of this report is to review the local highway network, the sustainable accessibility of the proposed development and to assess the development proposals in a local transport context. The TA has been prepared with reference to the National Planning Policy Framework and Planning Practice Guidance.

The document has been updated since the previous refusal and the revised TA seeks to directly address the previous reason for refusal, and will address each of the individual elements.

The TA states that the site is well served by existing transport provision and is accessible to a range of key services and facilities and demonstrates that the traffic generated by the proposals will not result in a detrimental impact on the surrounding road network.

The TA also states that it will demonstrate the traffic associated with the development proposals can be accommodated on the surrounding highway network without any severe impact in accordance with the NPPF.

The TA provides details of a traffic survey which was undertaken in June 2019 between the hours of 7am to 10am and 4pm to 7pm at several junctions in the area:

- B6059 Wales Road (W) / Walesmoor Avenue / B6059 Wales Road (E) priority T-junction;
- B6059 Wales Road (W) / Chapel Way / B6059 Wales Road (E) mini-roundabout;
- B6059 Station Road (W) / Kiveton Lane / B6059 Station Road (E) priority T-junction;
- A57 (W) / A618 Mansfield Road / A57 (E) roundabout; and
- A618 (N) / B6059 School Road / A618 (S) / Delves Lane signalised crossroads junction.

To address the concerns raised by the members of the RMBC committee and provide further confidence that the data used in the previously submitted TA was, and is robust for use, additional traffic count surveys were undertaken at three 'key' junctions to provide a comparison of baseline traffic between 2019 and 2021 data, these are:

- B6059 Wales Road / Walesmoor Avenue priority T-junction;
- B6059 Wales Road / A618 Mansfield Road / Delves Lane signalised crossroad junction; and

- B6059 Wales Road / Chapel Way mini-roundabout junction.

The turning count traffic surveys were undertaken over a two day period between the hours of 07:00 to 10:00 and 16:00 to 19:00 on Wednesday 7<sup>th</sup> July and Thursday 8<sup>th</sup> July 2021, the same peak of the three hours surveys being selected for each peak.

The TA notes that the additional data collection provides a highly robust approach and is over and above the required scope when according with national standards. This additional data collection and comparison exercise has been undertaken to provide members with confidence that the assessment is robust.

The two tables below details the total turning count movements for both the historic June 2019 survey and the recently observed July 2021 surveys at the three junctions for AM peak and PM peak.

Table 3-1 Traffic Survey Comparison for Total Turning Count Movements - AM Peak

JUNCTION	2019 DATA	WEDNESDAY 2021 DATA	THURSDAY 2021 DATA	WEDNESDAY DIFFERENCE (%)	THURSDAY DIFFERENCE (%)
B6059 Wales Road / Walesmoor Avenue	905	908	885	0.3%	-2.2%
B6059 Wales Road / A618 Mansfield Road / Delves Lane	1,702	1,666	1,586	-2.1%	-6.8%
B6059 Wales Road / Chapel Way	1,187	1,261	1,203	6.2%	1.3%

The 2021 surveyed traffic data at the mini-roundabout identifies that the 2021 data was slightly higher when compared to the 2019 historic data, with other junctions experiencing a reduction against the 2019 surveys. The 2021 surveys are within anticipated daily variances (up to 10%) and therefore the 2019 counts are considered robust and acceptable for use in this TA.

Table 3-2 Traffic Survey Comparison for Total Turning Count Movements - PM Peak

JUNCTION	2019 DATA	WEDNESDAY 2021 DATA	THURSDAY 2021 DATA	WEDNESDAY DIFFERENCE (%)	THURSDAY DIFFERENCE (%)
B6059 Wales Road / Walesmoor Avenue	971	995	973	2.5%	0.2%
B6059 Wales Road / A618 Mansfield Road / Delves Lane	1,856	1,692	1,869	-8.8%	0.7%
B6059 Wales Road / Chapel Way	1,159	1,112	1,096	-4.1%	-5.4%

The previously observed historic data is similar to the 2021 surveyed turning count data, for both the signalised crossroad junction and the mini-roundabout junction. The 2021 surveyed traffic data at the priority T-junction identifies that the 2021 data was slightly higher when compared to the 2019 historic

data, with other junctions experiencing a reduction against the 2019 surveys. The 2021 surveys are within anticipated daily variances (up to 10%) and therefore the 2019 counts are considered robust and acceptable for use in the TA.

The TA notes that the recently surveyed two days of data, for both the AM and PM peaks show a similar level of traffic movements to that of the previously surveyed June 2019 data, albeit cumulatively the 2021 data is lower in terms of volume. The 2021 data provides a robust comparison, which verifies and validates the data observed from 2019 and therefore confirms the suitability of the use of the 2019 in this TA.

It also provides details of personal injury collisions in the last 5 years on Lambrell Avenue, which there were none; on Walesmoor Avenue, which there was one at the junction with Wales Road; on Chapel Way, which there were two at the entrance to the Co-op and at the junction with Wales Road; and on Wales Road between the junctions with Walesmoor Avenue and Chapel Way, which there were five.

The data demonstrates that there are no extant road safety issues on the highway network in the vicinity of the development site. The frequency of collisions that occurred on the wider network assessed within this TA are considered to be low and no mitigation measures are necessary.

The report also provides details on walking accessibility, cycling accessibility and public transport accessibility.

The development proposals based on 197 private dwellings are forecast to generate some 103 and 100 two-way vehicle trips during the weekday AM and PM peak hours respectively.

The impact of the development generated traffic on the surrounding area has been shown to be negligible and it is therefore concluded that the proposals could be accommodated without resulting in a detrimental or severe impact upon the local highway network.

The TA also looks at future development impacts on generated traffic in the area and impact on the junctions previously assessed. It shows that the impact of the development generated traffic on the surrounding area will be minimal and it is therefore concluded that the proposals could be accommodated without resulting in a detrimental or severe impact on the highway network.

In Summary, it is considered that the site is in a suitable location for the proposed residential development and that there are no overriding highways or transport reasons that should prevent the granting of planning consent for the proposals.

## Highways Technical Note

A Technical Note has been submitted to accompany the application. The note seeks to address the point of objection above by RMBC within the revised planning submission to demonstrate that the previously submitted TA and revised TA have been prepared in accordance with national guidance and is considered to be robust.

It states that the original traffic surveys undertaken in 2019 were in line with the national guidance – Department for Transport (DfT) 'TAG Unit M1.2 Data Sources and Surveys': *"Neutral periods are defined as Mondays to Thursdays from March through to November (excluding August), provided adequate lighting is available, and avoiding the weeks before or after Easter, the Thursday before all of the week of a bank holiday and the school holidays"*.

It also notes that the 2019 survey was undertaken before pre-Covid 19 pandemic.

The note provides details of methodology of determining the peak hour (and daily) trip generations forecast for the development proposal in the TA, as this was raised by members in relation to its robustness.

In this case, residential sites within similar characteristics (suburban location, quantum, public transport access etc.) within the TRICS database have been selected to determine an average trip rate for these sites, which provides a peak hour trip rate per dwelling.

The peak hour trip rate is then multiplied by the 197 dwellings proposed to determine the trip generation of the proposed development. This approach follows the required methodology under national guidance and all previously submitted Tas for other sites considered by planning members, without their validity previously being raised. On this basis the approach is therefore considered to comply with the national guidance.

## Travel Plan

The Interim Travel Plan has been prepared and sets out measures to encourage sustainable travel patterns and reduce the reliance on private car use.

The ITP provides an outline of the proposed measures and monitoring strategy, which will be implemented at this site.

## Design and Access Statement

The Statement provides details in respect of the site, its surroundings, the development and how the scheme has been developed from concept to application and includes a Building for Life assessment.

## Tree Survey

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

The survey recorded six hedgerows, ten tree groups and 88 individual trees. None of the trees surveyed are protected by a Rotherham Metropolitan Borough Council Tree Preservation Order. The site is not located within any Conservation Areas.

The proposals will require the removal of 18 individual trees (three category U), six tree groups (two category U) and the partial removal of a further two tree groups and sections of two hedgerows, but may also have an impact on above and below ground parts of retained trees unless adequate protection of these trees is provided.

The report details the arboricultural impact and offers a range of protection measures that should be put in place prior to works starting on site as well as construction methodologies which should be adopted.

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

- Replacement tree planting to compensate the loss of trees.
- Planting of native to compensate the loss of habitat.
- Planting of non-native and ornamental species to improve the amenity of the site.

## Geoenvironmental Report

The purpose of the investigation was to determine the geotechnical and geo-environmental ground conditions at the site and assess the implications of such relative to the proposed residential redevelopment. The scope of work comprised desk-based research, and a site inspection together with intrusive investigation, laboratory testing, and gas and groundwater level monitoring. This report contains details of the site, the work and laboratory testing undertaken, strata encountered, geotechnical and chemical laboratory test results, monitoring results, and provides an interpretative assessment of the ground conditions with regard to geotechnical and contaminated land issues.

The report also provides details of the intrusive work to be undertaken, which includes chemical testing of Made Ground; the installation of gas and groundwater monitoring standpipes.

## Landscape and Visual Impact Assessment

The LVA considers the potential effects of the indicative proposals upon:

- Individual landscape features and elements;
- Landscape character; and
- Visual amenity and the people who view the landscape.

The main objectives of the LVA are:

- To identify, evaluate and describe the current landscape character of the site and its surroundings and also any notable landscape features within the site;
- To determine the sensitivity of the landscape to the type of development proposed;
- To identify potential visual receptors (i.e. people who would be able to see the development) and evaluate their sensitivity to the type of changes proposed;
- To identify and describe any impacts of the development in so far as they affect the landscape and/or views of it and evaluate the magnitude of change due to these impacts;
- To develop mitigation measures to avoid, reduce and compensate for landscape and visual impacts; and
- To evaluate the relative significance of residual landscape and visual effects.

The report concludes that from a landscape and visual perspective, any notable effects on landscape character and features as a result of the proposed development would be confined to surrounding local areas with visual effects reduced by the proposed mitigation planting. Overall the total extent of the landscape and visual effects would be localised and limited in nature. The proposals would relate well to the surrounding landscape context.

#### Utilities Report

The purpose of the report is to identify the impact of the proposed development site on existing electricity, gas, water and telecoms infrastructure and provide a tender review of multi-utility connection quotations received.

The report notes that from the formal responses received from the host asset owners of the gas, water and electricity infrastructure that all the main utilities are all available within the local area to serve the proposed development. These connection points are within the local road network with minimal impact on the surrounding environment.

The electricity connection will be provided from a High Voltage cable approximated 200m from the site boundary and as a result a new substation will be required.

The Cadent Gas point of connection will be from the 180mm Low Pressure main on Chapel Lane, 180 metres from the site entrance. The GTC point of connection is from the existing 250mm PE Low Pressure main within Lambrell Avenue to the north west of the development.

Reinforcement with regard to the gas network is currently advised, however GTC have been approached to ascertain if their network in the immediate vicinity of the development has the capacity to supply the 241 residential dwellings. GTC have confirmed that their existing 250mm Low Pressure network in the vicinity of the site will be able to supply the development. However reinforcement of the upstream Cadent network is still required.

The water point of connection will be from existing distribution mains on Chapel Way and Lambrell Avenue adjacent to the site boundary.

No diversionary works with regards to any of the existing infrastructure surrounding the development are anticipated.

#### Statement of Community Involvement

The SCI indicates that a public exhibition was used to engage the community in dialogue and request views and feedback. The public exhibition was held on 28th November 2019, between 3:00pm and 7:00pm at the Kiveton Park and Wales Community Centre.

The exhibition was run as a drop-in session, open to all local residents and other interested parties over a period of time over the afternoon.

In order to publicise the exhibition, the following methods were used:

- Leaflets were posted to local residents and businesses in the vicinity of the site by the applicant informing them about the proposal and inviting them to the exhibition (Appendix 1a and Appendix 1b);
- Letters were set to the Local Ward Councillors; and
- The event was publicised at the exhibition venue in advance of the event.

23 people registered their attendance at the public exhibition on 28th November 2019. A total of 3 responses were received from local residents at the event – there were no further responses received after the event.

The comments received related to play provision, EV charging, more trees required, and highway concerns.

#### Preliminary Ecological Appraisal

The appraisal notes that Habitats on Site are considered to be common in the local area and of relatively low species diversity, however, some are classified as habitats of principal importance on the Natural Environment & Rural Communities (NERC) Act 2006 and Rotherham Local Biodiversity Action Plan (LBAP). As such, the habitats on Site are considered overall to be of importance to nature conservation between a site and local level.

To mitigate for the loss of biodiversity on the Site the proposed site design will retain and protect the hedgerow, scrub and woodland vegetation around the Site boundaries and along the stream and ditch corridors. The stream and ditch will be encompassed within an area of Public Open Space (POS). The POS and retained habitat along the southern boundary will provide a green buffer to Kiveton Community Woodland/Kiveton Colliery Candidate LWS and will buffer the running water habitats to avoid direct damage to the banks and channels.

Great crested newts (GCN) *Triturus cristatus* have not been recorded within 2 km of the Site to date.

No evidence of badgers *Meles meles* has been recorded within the Site, however they are likely to be present in surrounding area.

Two trees on the Site were identified as having low suitability for roosting bats. Ideally both trees should be retained and protected during the Site development, but as one has suffered apparent storm damage, it is likely this will need to be felled or partially felled for reasons of safety. The habitats on Site have potential to be used by foraging and commuting bats, but as those habitats with highest value (e.g. hedgerows and woodland edge) are being retained, further survey is not considered to be necessary. A sensitive lighting plan should be produced in order to safeguard valuable habitat features for commuting and foraging bats.

The Site is considered to have suitability to support a range of nesting and foraging bird species.

#### Ecological Impact Assessment

This document is an addendum to the Preliminary Ecological Appraisal. The document summaries that ecological features at the Site and within 2 km include an adjacent Candidate Local Wildlife Site which is of value at the Regional/County level, and a number of habitats and species of value at up to the Local level. Impacts upon ecological features identified were considered to be no more than minor adverse and with appropriate mitigation measures together with compensatory native and species diverse habitat creation, no greater than minor residual effects on each ecological feature are considered to be likely to result. Residual effects of the proposed development on ecological features are not considered to be significant. Enhancement measures in respect of roosting bats, nesting birds and reptiles further reduce the residual effects for these species.

After receiving initial comments back from the Yorkshire Wildlife Trust an updated document was produced and submitted for consideration. The updated EcIA summarises that there are Ecological features at the Site and within 2 km include an adjacent Candidate Local Wildlife Site which is of value at the Regional/County level, and a number of habitats and species of value at up to the Local level. Impacts upon ecological features identified were considered to be no more than minor adverse and



with appropriate mitigation measures together with compensatory native and species diverse habitat creation, no greater than minor residual effects on each ecological feature are considered to be likely to result. Residual effects of the proposed development on ecological features are not considered to be significant. Enhancement measures in respect of roosting bats, nesting birds and reptiles further reduce the residual effects for these species.

#### Ecological Impact Assessment (Addendum)

The addendum notes that the proposed mitigation and compensation measures reduce the residual effect of impacts on the ecological features during the construction and operational phases to no greater than minor, and so none of the ecological features are considered likely to be significantly adversely impacted by the proposed development.

#### Great Crested Newt and Water Vole Survey

This report has been produced to summarise why the surveys were recommended, provide results from the further surveys, undertake assessment of the potential impacts on GCN and water vole and provide recommendations in relation to working practices going forward based on the up to date further survey outcomes.

The GCN survey provided 'Negative' results for all the ponds surveyed and robustly established the likely absence of GCN at Pond 3, Pond 4, Pond 6 & Pond 7. Furthermore, on the basis that Pond 5 is likely to dry annually, does not provided GCN with suitable breeding habitat and given the GCN likely absence results obtained at P3, P4, P6 & P7 it is considered reasonable to conclude GCN likely absence at P5.

In summary, based on the GCN eDNA survey findings it is deemed reasonable to conclude GCN likely absence at ponds P3, P4, P5, P6 & P7 and GCN absence at the Site. Therefore, GCN do not pose a constraint to the proposed development.

Given that the GCN eDNA survey findings that have robustly established GCN likely absence at ponds P3, P4, P5, P6 & P7 and the Site, the implementation of specific GCN mitigation measures is not considered to be appropriate and is therefore not recommended in relation to the proposed development works at the Site.

It is however recommended that amphibian welfare best practice measures should (as and where practicable to do so) be adopted at the Site during the proposed development works in accordance with the mitigation measures outlined within the Ecus PEA 2020.

Furthermore, as GCN likely absence has been robustly established at the Site and given the availability of a mosaic of extensive, potential GCN habitats within the wider area. The implementation of specific GCN ecological habitat enhancement measures is not considered to be appropriate or proportionate

and is therefore not recommended in relation to the proposed development works at the Site. In addition, in the highly unlikely event that GCN are encountered at the Site during the development works then works should stop and a suitable qualified ecologist and/or Natural England contacted for advice on how to proceed.

The water vole survey has determined likely absence of water vole. No evidence of burrows of typical size to indicate water vole were identified, or any other conclusive field signs (such as feeding piles or latrines) were found during the survey.

Whilst water vole are considered likely absent, as the channel has some indirect connectivity with a ditch that has previous evidence of water vole presence associated with it, It is recommended the development works should still adhere to the Best Practice Measures (BPM) as a precaution. Whilst dispersal is considered to be a low risk due to the suboptimal nature of the habitats, this approach will help to safeguard water voles in the unlikely event that they are present, inadvertently stray into the working area at the time of construction or a pollution event occurs which could otherwise affect through run-off. This will also help to protect other mammals (e.g. hedgehog, badger).

#### Flood Risk Assessment

The aim of this report is to demonstrate that the site is appropriate, in terms of flood risk and drainage, for the proposed development use.

Flood modelling of the watercourse on the site has been undertaken and the proposed buildings will be located within the Flood Zone 1 area.

A road link across the unnamed north to south watercourse which runs through the eastern half of the site will be required and this would cross the watercourse's flood zones. It is considered that this would be permitted subject to detail design demonstrating that flood flows and flood storage were not adversely affected, complies with the Water Framework Directive and is approved by the Council.

The watercourse crossing is subject to the Exception Test and it is considered that this can be passed subject to detail design.

The risk of flooding to the site from sewers, overland flow, groundwater and reservoir is low.

The report concludes that overall, there are no local site-specific risks that would adversely affect the Flood Zone categorisation and/or any significant increase in off-site flooding risks as a result of the development. On this basis, the site is considered suitable, in terms of flood risk, for the type of development proposed.

### Drainage Strategy

The Drainage Strategy summarises the outline technical issues and constraints apparent from a review of the information up to this date.

The report notes that preliminary soakaway tests undertaken as part of the Site Investigation proved the soil to have poor infiltration characteristics and the nearest surface water body is an unnamed watercourse crossing the development.

It is proposed to connect the surface water runoff from the east development to this surface water body. The west development is to connect to the watercourse to the south of the site via a public surface water sewer. This has been confirmed as being acceptable by Severn Trent Water.

The proposed drainage strategy has been designed to limit the surface water discharge rate to greenfield runoff rates of 5.0 l/s/ha. Rates are to be restricted to 15.4 l/s and 3.5 l/s for the west and east developments, respectively.

The foul water created by the proposed development is to be pumped from the site to a public foul sewer to the north-east of the development. The exact manhole is to be confirmed by Severn Trent Water before detailed design stage.

The statement also provides details of the culvert design.

### Drainage Maintenance and Management Report

The purpose of this management plan is to demonstrate how SuDS, which have been implemented at this particular residential development will be maintained in compliance with various requirements and best practice guidance.

The management plan aims to:

- Summarise the various SuDS features used within the site;
- Establish who is responsible for the maintenance of the SuDS components;
- Set out how to maintain the incorporated SuDS components following construction;
- Ensure that all those involved in the maintenance and operation of the SuDS
- understand their functionality and maintenance requirements in terms of
- supporting long-term performance.

### Equal and Healthy Communities Checklist

The Checklist has been submitted in accordance with the Supplementary Planning Document.

## Soil Strategy

A Materials Management Plan (MMP) is to be prepared and implemented by an experienced earthworks contractor. This plan will ensure that materials are managed and stored correctly on site to avoid unnecessarily removing of materials from the site in line with the Waste Code of Practice (DoWCoP).

## Mineral Safeguarding Area Statement

The statement has been submitted to outline how the scheme would comply with policy CS26 'Minerals'. The statement concludes that criteria c. of CS26 would be relevant for this site and provides evidence as to why it is not possible to extract the minerals in an environmentally acceptable way and why this would have unacceptable impacts on neighbouring uses or the amenity of local communities.

## Construction Management Plan

The Construction Management and Mitigation Plan has been provided as a guide to assist the Strata Team diminish the likelihood of harm caused to persons, property and the environment.

The document confirms that if approved the development would take 4 years to build out. It also sets out construction working hours of 7:30am to 6pm on weekdays and 8am to 1pm on Saturdays.

The document also outlines the location of site accommodation during the construction phase and where materials will be sited. It also provides details of how noise and dust will be managed during the construction phase.

## Sustainability Statement

This statement has been produced to address Rotherham Metropolitan Borough Council's Local Plan Policy CS30 and highlights the key sustainability features to be incorporated into the development to enhance sustainability.

The proposed sustainability strategy for the development at Lambrell Avenue/Chapel Way, Kiveton focuses on embedding the notion of sustainability within the fabric of the dwelling. The strategy aims to reduce the forecasted energy demand and carbon emissions of each dwelling without the need for bolt-on technologies requiring ongoing maintenance.

This report demonstrates that the proposed enhanced fabric specification reduces average fabric Energy Demand on the site by 15.23% and the average predicted Carbon emissions by 5.71%. Water consumption per person per day is anticipated to be less than that required by Building Regulations and sustainable measures are proposed that are in line with Rotherham Metropolitan Borough Council's Policy CS30 and the National

Planning Policy Framework 2021, which emphasises sustainable development, energy efficiency and reduction in carbon emissions.

The proposed sustainability strategy for Lambrell Avenue/Chapel Way, Kiveton places great importance on the efficiency of a property's thermal envelope and internal building services, therefore ensuring that each dwelling on the development benefits from built-in energy reduction measures with no future maintenance issues.

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

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

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

Local Plan policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'  
 CS3 'Location of New Development'  
 CS7 'Housing Mix and Affordability'  
 CS14 'Accessible Places and Managing Demand for Travel'  
 CS19 'Green Infrastructure'  
 CS20 'Biodiversity and Geodiversity'  
 CS21 'Landscapes'  
 CS22 'Green Space'  
 CS25 'Dealing with Flood Risk'  
 CS26 'Minerals'  
 CS27 'Community Health and Safety'  
 CS28 'Sustainable Design'  
 CS30 'Low Carbon and Renewable energy generation'  
 CS32 'Infrastructure delivery and developer contributions'  
 CS33 'Presumption in Favour of Sustainable Development'  
 SP1 'Sites Allocated for Development'  
 SP26 'Sustainable Transport for Development'  
 SP32 'Green Infrastructure and Landscape'  
 SP33 'Conserving the Natural Environment'  
 SP35 'Protected and Priority Species'  
 SP36 'Soil Resources'  
 SP37 'New and Improvements to Existing Green Space'  
 SP47 'Understanding and Managing Flood Risk and Drainage'  
 SP52 'Pollution Control'  
 SP55 'Design Principles'  
 SP56 'Car Parking Layout'  
 SP64 'Access to Community Facilities'  
 WCS7 'Managing Waste in All Developments'

## **Other Material Considerations**

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

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

National Planning Practice Guidance (NPPG)

National Design Guide

South Yorkshire Residential Design Guide

RMBC Adopted Supplementary Planning Documents:

- Air Quality & Emissions
- Healthy and Equal Communities
- Affordable Housing
- Natural Environment
- Transport Assessments, Travel Plans and Parking Standards

## **Publicity**

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 147 letters of representation from individual addresses have been received. The issues raised by the residents are summarised below:

- Nothing has changed since the last application.
- The village cannot sustain more residents.
- Local estate roads are too busy currently and not wide enough to cope with the extra traffic from this development.
- The Green Belt needs protecting.
- The field comprises of insects and wildlife.
- The local roads cannot handle the additional traffic.
- The primary schools and secondary school in the area are full.
- The local surgery is always busy and getting appointments is difficult.
- There are no extra amenities being provided by this development and the area could not cope with the extra dwellings.
- Wild deer are regularly seen on the site and the site is home to other wildlife, including bats.
- This is an area where people walk, and it will be lost.
- The site gets flooded in winter months.
- The latest traffic survey is not fit for purpose.
- The access roads (Chapel Way and Lambrell Avenue) cannot take the additional traffic.
- Brownfield land should be built on first.

- The bridge over the culvert will lead to human pollution through fly-tipping and littering.
- The bridge over the culvert will give off-road bikers in the area greater access.
- Traffic on estate roads is single file due to cars parked alongside the road near the co-op.
- The development will have a negative effect on traffic in respect of increased vehicular movements and highway safety.
- The increased traffic will also have an effect on air pollution which also presents a Health risk.
- This land is used by walkers and nature lovers and is an asset to the community.
- The area is already suffering with overdevelopment.
- The area needs investment in amenities, not more houses adding to the problem.
- There are no clear boundaries stated on the plans and where the landscaping will be and in some areas invasive species grow.
- Kiveton and the surrounding area have increased antisocial behaviour issues and a lack of police presence in the area. The area to be developed has been especially targeted with drug paraphernalia.
- Who will police these bat boxes and hedgehog forage holes to remain in years to come?
- The footpaths across the site are used for recreational purposes and to enable people to enjoy open spaces.
- There is only one way in and way out of the village.
- Where is there a park for all the kids in this plan?
- Anything less than 25% affordable housing on site is not acceptable.

3 letters of support has been received stating:

- We are first time buyers, have a deposit ready and are looking for a property within the area within the very near future as our children attend both the primary and secondary school in Wales
- More homes are needed.

2 Right to Speak requests have been received from a local ward councillor and the applicant.

### **Consultations**

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

RMBC – Tree Service: No objections subject to conditions.

RMBC – Landscapes: No objections subject to conditions.

RMBC – Environmental Health: No objections subject to conditions.

RMBC – Affordable Housing: No objections.

RMBC – Public Rights of Way: No objections.

RMBC – Drainage: No objections subject to conditions.

RMBC – Air Quality: No objections subject to conditions.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Education: An education contribution towards Secondary / SEND (Special Educational Needs and Disability) and SEMH (Social, Emotional and Mental Health) education provision in the area.

RMBC – Green Spaces: No objections subject to a financial contribution towards the existing children play area at Wales Road and provision of older play equipment on site to be secured via a condition.

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

RMBC – Public Health: No objections, the developer has considered all aspects on the Healthy and Equal Community Checklist and put things in place to mitigate where needed.

The Coal Authority: No objections subject to The Coal Authority's Standing Advice being added as an informative.

Geology – Sheffield Area Geology Trust: No objections.

South Yorkshire Passenger Transport Executive: No comments have been received.

Severn Trent: No comments have been received.

SY Fire and Rescue: No objections.

Rotherham NHS Clinical Commissioning Group: Have stated that: "Kiveton Park is one of the few areas in Rotherham where the practice does have room to grow and accommodate additional patients from a buildings point of view. This development, combined with others in that region of town, would require an expansion of clinical services but we do have the facilities there for them in this instance."

South Yorkshire Archaeology Service: No objections.

Canal and River Trust: No objections.

SY Police Architectural Liaison Officer: No objections.



Yorkshire Wildlife Trust: Have raised no objections and confirmed that the additional survey reports for great crested newts and water voles are acceptable, furthermore the mitigation proposed is also acceptable and advise that a decision needs to be made on the planning balance of the scheme.

Chesterfield Canal Trust: No comments have been received on this application but on the previous application requested improvements to the Canal.

## **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 current application has been submitted with additional information to try and overcome the two previous reasons for refusal, which related to ecology and highways.

The main considerations in the determination of the application are:

- Principle
- Design, Scale and Appearance
- Impact on Highways
- Public Rights of Way
- Landscapes
- Trees
- Ecology / Biodiversity
- Green Spaces
- Drainage and Flood Risk
- General Amenity
- Air Quality and Sustainability
- Affordable Housing
- Education
- Minerals
- Land contamination and Soil Resources
- Other considerations

### Principle

The site is allocated in the adopted Rotherham Sites and Policies Document for residential and within policy SP1 'Sites Allocated for Development' is identified as Housing Site H91 (total area 9.58ha), which indicates the total site area has a capacity of approximately 268 dwellings.

CS1 'Delivering Rotherham's Spatial Strategy' states most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. Wales and Kiveton Park is identified as a 'Principal Settlement', which is proposed to provide 370 new dwellings as part of the Local Plan. This application will help the Council to achieve these targets as well as assisting in achieving the targets set by Central Government in the Housing Delivery Test, which prescribes a set amount of new homes within a rolling three year period that should be built within specific Local Authorities.

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

The site is allocated Residential and as such the principle of residential development is acceptable and has been established through the extensive Local Plan process which included extensive public consultation, an Examination in Public and the decision of an independent Planning Inspector appointed by the Secretary of State for Communities and Local Government who found no reason to not maintain the site's allocation for residential. It should also be noted that this site was an allocated housing site in the Unitary Development Plan (adopted 1999), which was the predecessor to the current Local Plan. Therefore since at least 1999 this site has been allocated for residential development and has not been allocated for Green Belt at any stage in the last two plan periods spanning over 20 years.

As set out above the Local Plan anticipates the capacity on site will be 268 dwellings and the submitted planning application states the site will accommodate 197 dwellings.

In the preparation of the Local Plan it was considered that of the total site area of 9.579ha the net area for development would be 70% of the total site (6.705ha); and with a density of 40 dwellings per hectare the figure of 268 was generated.

The net density of the development proposed is 29.2 dwellings per hectare, however given the extent of the drainage attenuation measures required and the need to accommodate existing Public Rights of Way, hedgerows and appropriate and deep buffers to the line of the canal and to the Local Wildlife Site, it is considered that the capacity proposed in this application is appropriate to satisfactorily accommodate the constraints identified.

The NPPF specifies at paragraph 11 that decisions should apply a presumption in favour of sustainable development, which means “*approving development proposals that accord with an up-to-date development plan without delay...*” This is further supported by policy CS33 ‘Presumption in Favour of Sustainable Development’.

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

#### Access to Community Facilities

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

When measured from the centre of the site, and as the “crow flies” the development would be within an 800m radius of shops, community facilities and amenities on Wales Road.

#### Housing Mix

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

In respect of the above and the housing mix proposed it is considered that the scheme would offer a wide range of property types, including bungalows and would also provide a wide range of property sizes including, two, three, four and five bed dwellings. Accordingly, the mix of dwellings proposed is acceptable in this instance and satisfies the above policy.

### *Healthy and Equal Communities*

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

The Checklist has been submitted and assessed by the Council's Public Health department and noted that the developer has considered all relevant aspects and put things in place to mitigate where needed.

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

### Design, Scale and Appearance

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

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

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

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

Paragraph 126 of the NPPF states: *"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Paragraph 134 states *"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design<sup>52</sup>, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

In addition, CS21 ‘Landscapes’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. Furthermore, CS28 ‘Sustainable Design’ indicates that proposals for development should respect and enhance the distinctive features of Rotherham and design should take all opportunities to improve the character and quality of an area and the way it functions.

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

With regard to the site layout, the applicant has developed a scheme to ensure that the whole of the housing allocation can be comprehensively developed. Whilst it would provide a number of houses less than that indicated within Table 2 of policy SP1 ‘Sites Allocated for Development’, there are mitigating circumstances as set out in other sections of the report, including the extent of the drainage attenuation measures required and the need to accommodate existing Public Rights of Way, hedgerows and appropriate and deep buffers to the line of the canal and to the Local Wildlife Site which have meant the developable area is less than the total site area.

The development has also been designed to allow potential future access into the land to the west which is allocated safeguarded land should that site come forward in the next plan period. Furthermore, the existing public rights of way to the west and bridleway to the south of the site are retained with new linkages through the site. The site will be accessed via two entrances which are extensions of existing estate roads from Chapel Way and Lambrell Avenue.

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

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

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

It is also considered that the proposed boundary treatment as set out in the submitted plans would be acceptable in respect of size, scale, form, design and siting.

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

Whilst the pumping station would be viewed above ground is utilitarian in appearance due to its functionality, it has been sited sympathetically within the site with landscaped areas around to soften its impact.

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

#### Impact on Highways

Paragraph 111 of the NPPF states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

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

SP26 'Sustainable Transport for Development' states development proposals will be supported where it can be demonstrated that the proposals make adequate arrangements for sustainable transport infrastructure; local traffic circulation, existing parking and servicing arrangements are not adversely affected; the highway network is, or can be made, suitable to cope with traffic

generated, during construction and after occupation; and the scheme takes into account good practice guidance.

Policies CS14 and SP26 are supported by paragraphs 110 and 112 of the NPPF.

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

The Site Development Guidelines in the Local Plan states: *“Transportation Assessment will be required, which shall include consideration of vehicular and pedestrian links into the site. Any development scheme shall ensure that vehicular access to the Safeguarded Land site (SL14) to the west shall not be precluded.”*

It is of note that the first reason for refusal on the previous application related to highways and stated:

*“The Local Planning Authority consider that the applicant has failed to demonstrate that the proposed development would not have an adverse impact on the local highway network to the detriment of existing highway users and the local community. The contents of the Transport Assessment is not considered robust enough to demonstrate that the local network can accommodate the vehicular movements created from this development. The development therefore does not comply with the National Planning Policy Framework in that the proposal has not demonstrated that it does not have a residual cumulative impact on the road network.”*

With regard to the current application from a highways perspective it is of note that the layout has not changed from the previously agreed layout but in order to overcome Members concerns regarding the impact, additional traffic counts have been undertaken and the junctions reassessed so as to demonstrate that the Transport Assessment is robust and that the scheme if implemented will not have a residual cumulative impact on the road network.

#### *Trip Generation*

The traffic survey for the previous application was undertaken on Wednesday 26th June 2019 between the hours of 07:00 to 10:00 and 16:00 to 19:00 at the following junctions:

- B6059 Wales Road (W) / Walesmoor Avenue / B6059 Wales Road (E) priority T-junction;
- B6059 Wales Road (W) / Chapel Way / B6059 Wales Road (E) mini-roundabout;
- B6059 Station Road (W) / Kiveton Lane / B6059 Station Road (E) priority T-junction;
- A57 (W) / A618 Mansfield Road / A57 (E) roundabout; and

- A618 (N) / B6059 School Road / A618 (S) / Delves Lane signalised crossroads junction.

The survey data has been analysed with the peak hours established as follows:

- Weekday AM Peak – 07:30 to 08:30
- Weekday PM Peak – 16:30 to 17:30

For the current application, new traffic surveys were undertaken over a two day period between the hours of 07:00 to 10:00 and 16:00 to 19:00 on Wednesday 7<sup>th</sup> July and Thursday 8<sup>th</sup> July 2021, the same peak hour of the three hours surveys being selected for each peak.

The table below taken from the new submitted TA demonstrates the comparison between 2019 and 2021 am peak count data:

Table 3-1 Traffic Survey Comparison for Total Turning Count Movements - AM Peak

JUNCTION	2019 DATA	WEDNESDAY 2021 DATA	THURSDAY 2021 DATA	WEDNESDAY DIFFERENCE (%)	THURSDAY DIFFERENCE (%)
B6059 Wales Road / Walesmoor Avenue	905	908	885	0.3%	-2.2%
B6059 Wales Road / A618 Mansfield Road / Delves Lane	1,702	1,666	1,586	-2.1%	-6.8%
B6059 Wales Road / Chapel Way	1,187	1,261	1,203	6.2%	1.3%

The pm peak is similarly compared in the table taken from the new TA below:

Table 3-2 Traffic Survey Comparison for Total Turning Count Movements - PM Peak

JUNCTION	2019 DATA	WEDNESDAY 2021 DATA	THURSDAY 2021 DATA	WEDNESDAY DIFFERENCE (%)	THURSDAY DIFFERENCE (%)
B6059 Wales Road / Walesmoor Avenue	971	995	973	2.5%	0.2%
B6059 Wales Road / A618 Mansfield Road / Delves Lane	1,856	1,692	1,869	-8.8%	0.7%
B6059 Wales Road / Chapel Way	1,159	1,112	1,096	-4.1%	-5.4%



The Council's Transportation Infrastructure Service have stated that it is clear from these surveys that there are only minimal differences between them.

It should also be noted that daily traffic volumes may vary up to 10%, so any variation below that level would be insignificant in the interpretation of the modelled results.

An additional analysis of the baseline junction conditions for 2021 has been carried out and cross checked to determine the accuracy of any predicted queue lengths. This has demonstrated that the predicted queue length is accurate and forms a good basis for future prediction.

Industry software has been used to provide local growth factors for the area which cover the application site:

PERIOD	AM PEAK	PM PEAK
2021 - 2026	1.076	1.076

Using data from similar developments (location / size / type) as per industry guidance the following trip rates have been determined:

	AM PEAK		PM PEAK	
	ARRIVALS	DEPARTURES	ARRIVALS	DEPARTURES
Trip Rates	0.138	0.386	0.334	0.170
Trip Generation	27	76	65	33

### *Distribution of Traffic*

The analysis of the anticipated additional trips and distribution has been undertaken based upon existing 'Journey to Work Data' for the 'Rotherham 033 Middle Layer Super Output Area', in which the site is situated. This method uses Office of National Statistics data and can be considered a robust approach.

Based on the strategic site layout it is assumed that approximately a third of vehicles will access the development to the east and two thirds of vehicles will access the development to the west of the site. As follows:

Eastern Access distribution

DESTINATION	% SPLIT
B6059 (E)	24%
B6059 (W)	18%
<b>TOTAL</b>	<b>42%</b>

Western Access distribution

DESTINATION	% SPLIT
B6059 (E)	16%
B6059 (W)	46%
<b>TOTAL</b>	<b>58%</b>

These splits have been used in the junction analysis to assign traffic to various turning movements.

### *Traffic Impact*

The TA has considered the impact of the additional trips shown above on the operation of the following junctions with comparison to existing conditions. No allowance has been made for potentially changed habits resulting from the Covid-19 pandemic:

- B6059 / Walesmoor Avenue T-Junction – The model shows that there is little to indicate any concerns at this junction.

ARM	AM PEAK		PM PEAK	
	MAX RFC	QUEUE (PCU's)	MAX RFC	QUEUE (PCU's)
2025 Base				
Walesmoor Avenue left to A6059 Wales Road (W)	0.09	0	0.05	0
Walesmoor Avenue right to A6059 Wales Road (E)	0.20	0	0.13	0
A6059 Wales Road (E) ahead / left to Walesmoor Avenue	0.05	0	0.14	0
2025 Base + Development				
Walesmoor Avenue left to A6059 Wales Road (W)	0.15	0	0.08	0
Walesmoor Avenue right to A6059 Wales Road (E)	0.23	0	0.15	0
A6059 Wales Road (E) ahead / left to Walesmoor Avenue	0.08	0	0.23	1

- B6059 Wales Road / Chapel Way roundabout - It is evident that this junction will continue to function well within capacity and will therefore not require any mitigation works.

ARM	AM PEAK		PM PEAK	
	MAX RFC	QUEUE (PCU's)	MAX RFC	QUEUE (PCU's)
2025 Base				
B6059 Wales Road (E)	0.67	2	0.55	1
Chapel Way	0.37	1	0.42	1
B6059 Wales Road (W)	0.51	1	0.56	1
2025 Base + Development				
B6059 Wales Road (E)	0.69	2	0.58	1
Chapel Way	0.45	1	0.45	1
B6059 Wales Road (W)	0.53	1	0.56	1

- Kiveton Lane / B6059 T-Junction – Notwithstanding the additional traffic that will pass through this junction ratio to flow capacity values are well within capacity and indicate that mitigation works will not be required.

ARM	AM PEAK		PM PEAK	
	MAX RFC	QUEUE (PCU's)	MAX RFC	QUEUE (PCU's)
2025 Base				
Kiveton Lane left to B6059 Red Hill	0.29	0	0.32	1
Kiveton Lane right to B6059 Station Road	0.39	1	0.44	1
B6059 Red Hill right to Kiveton Lane / ahead	0.28	0	0.28	0
2025 Base + Development				
Kiveton Lane left to B6059 Red Hill	0.30	0	0.33	1
Kiveton Lane right to B6059 Station Road	0.42	1	0.49	1
B6059 Red Hill right to Kiveton Lane / ahead	0.28	0	0.29	0

- A618 / B6059 School Road / Delves Lane crossroads – Since this junction is the only one with demonstrable problems currently it is instructive to look at revised modelling results. These revisions have been modelled for all movements both with and without traffic added on from this development.

ARM	AM PEAK		PM PEAK	
	DoS (%)	MMQ	DoS (%)	MMQ
	2025 Base			
A618 Mansfield Road (N)	77.5	12	90.8	23
B6059 School Road	75.9	10	93.3	10
A618 Mansfield Road (S)	64.7	8	82.6	5
Delves Lane	5.2	0	3.3	0
PRC / Total Delay	-9.6% / 16 PCU			
	2025 Base + Development			
A618 Mansfield Road (N)	79.4	13	96.4	30
B6059 School Road	82.1	12	89.7	9
A618 Mansfield Road (S)	64.7	8	95.3	6
Delves Lane	5.2	0	3.3	0
PRC / Total Delay	-7.1% / 28 PCU			

At this junction the additional traffic has a modest impact on the number of queuing vehicles on Mansfield Road (N). It must be assumed that a considerable proportion of this additional queuing traffic is due to background growth caused by other developments in the local area. Ongoing measures to manage capacity issues at this junction suggest that mitigation would not be necessary.

ARM	AM PEAK		PM PEAK	
	DoS (%)	MMQ	DoS (%)	MMQ
2026 Base				
A618 Mansfield Road (N)	78.3%	12	94.1%	26
B6059 School Road	76.7%	11	85.0%	8
A618 Mansfield Road (S)	65.2%	8	92.7%	5
Delves Lane	5.2%	0	3.3%	0
PRC / Total Delay	15.0%		-4.6%	
2026 Base + Development				
A618 Mansfield Road (N)	80.1%	13	97.0%	31
B6059 School Road	82.6%	12	90.4%	9
A618 Mansfield Road (S)	65.2%	8	95.9%	6
Delves Lane	5.2%	0	3.3%	0
PRC / Total Delay	9.0%		-7.8%	

- A57 / A618 roundabout – The results show that the junction is expected to operate within capacity in both scenarios but will experience some queuing in both the AM and PM peak periods. It is expected that there be a minor increase in RFC between the two as a result of the development generated traffic. However, the fact that the development only adds 1 or 2 vehicles to the ends of pre-existing queues suggests that mitigation is not warranted. It is entirely possible that background growth may already have accounted for the new traffic and this is in fact double counting particularly at a location so remote from the site.

ARM	AM PEAK		PM PEAK	
	MAX RFC	QUEUE (PCU's)	MAX RFC	QUEUE (PCU's)
2025 Base				
A57 (E)	0.62	2	0.69	2
A618 Mansfield Road	0.75	3	0.79	4
A57 (W)	0.75	3	0.93	11
2025 Base + Development				
A57 (E)	0.62	2	0.70	2
A618 Mansfield Road	0.78	3	0.81	4
A57 (W)	0.75	3	0.94	13

### Site Access

Vehicular, walking and cycling access is proposed to the north of the application site via two points of access; Chapel Way and Lambrell Avenue, both existing residential streets. Footways are proposed along both sides of

the access road and will tie in with the existing footways present on Chapel Way and Lambrell Avenue. The principle of the access arrangements has been agreed with the Council as both Lambrell Avenue and Chapel Way were originally designed to facilitate more development, given the long established residential allocation of this site going back to the Rotherham Unitary Development Plan 1999.

#### *Car and Cycle Parking*

Parking for residents and visitors is in line with the Council's Minimum Parking Standards though this should be subject to a planning condition. Secure cycle parking will be provided across the site. Where garages are proposed with (or within) a property this will accommodate the provision, those without garages will have secure cycle storage provided within the curtilage of the property.

#### *Pedestrian Accessibility*

Its catchment includes the entirety of Kiveton Park providing access to a range of key facilities and amenities including; Kiveton Park Primary Care Centre (c.500m), Co-op Food (c. 600m), Kiveton Bridge Railway Station (c. 800m), Kiveton Park Community Library (c. 900m), Kiveton Park Infant School (c. 1km), Wales High School (c. 1.3km) and Kiveton Park Meadows Junior School (c. 1.3km).

The close proximity of a range of services provides potential for residents to travel to and from the site on foot. Every effort must be made to improve pedestrian access with work covered by a s278 or a s106 agreement. Links from the site where achievable should be conditioned.

It is of note that a link to Norwood Crescent through the northern boundary of the site is proposed as well access to the existing bridleway and public rights of way which run to the south and west of the site respectively.

#### *Public Transport*

A total of seven bus stops are located on the B6059 Wales Road (circa 800m from the centre of the site), of the seven bus stops; five bus stops are equipped with a bus shelter and seating area. Whilst these stops are beyond the generally recommended 400m distance, they do provide relatively frequent services to major destinations such as Sheffield and Dinnington. In the longer term the site has been designed to accommodate public transport so it may be possible for services to route through the estate.

Kiveton Bridge Railway Station is located approximately 800m from the site and provides regular services to Sheffield and Lincoln and points between.

### *Cycling Accessibility*

There is a significant area within a 5km cycling catchment area from the centre of the site which includes the entirety of Kiveton, Wales Industrial Estate, Swallownest, South Anston, Killamarsh and Dinnington Industrial Estate. The National Cycle Network (NCN) Route 6 is situated approximately 800m to the west of the proposed development, on Coalpit Lane. The NCN Route 6 runs in a general north west / south east alignment providing access to areas such as Rotherham centre in the north west and to Worksop in the south east. The NCN Route 6 also provides access to NCN Route 67 which in turn provides access to Sheffield city centre. This cycle route consists of traffic-free sections and on-road sections. Local cycling accessibility is considered to be good.

### *Road Safety*

The collision data has been reviewed in detail taking into account the extent of the study area, over a five year period. Analysis of the data has confirmed that the vast majority can be attributed to driver error. There are no significant recurring patterns associated with the accidents or readily identified geometric road characteristics which are having an adverse impact upon road safety on the network.

### *Travel Planning*

An outline travel Plan has been submitted alongside the application, this should be secured by condition, along with the £500 per house for sustainable travel encouragement via a s106 legal agreement which will be invested by the Council in initiatives aimed at improving the sustainability of the site by promoting cycling, walking etc. as well as monitoring the number and types of trips to ensure that car trips are minimised.

### *Conclusions*

The additional traffic surveys and modelling works have robustly demonstrated that the proposed development if implemented will not have a severe impact on the highway network or an unacceptable impact on highway safety, as such it is considered that the proposal overcomes the previous reason for refusal and a refusal on highway grounds would not be justified in this instance in light of the requirements of paragraph 111 of the NPPF and the compliance with relevant Local Plan policies.

Furthermore, the site is considered to be in a sustainable location, the layout is in accordance with guidance from the South Yorkshire Residential Design Guide and the developer is to enter into a section 106 agreement with the Council with one of the requirements being a contribution of £500 per dwelling towards further improving the sustainability of the site.

Further to the above, the site has been designed so that if the land to the west of the site which is 'safeguarded' land comes forward for future development then a bus service could run through the site.

Taking the above into account, and subject to the applicant entering into a S106 agreement for the sustainability contribution, the proposal would not be considered to have a serve impact on the road network or an unacceptable impact on highway safety and would overcome the previous highway reason for refusal.

Accordingly, the scheme is considered to be in compliance with the relevant paragraphs of the NPPF, Local Plan policies CS14 'Accessible Places and Managing Demand for Travel', SP26 'Sustainable Transport for Development' and SP56 'Car Parking Layout', the Site Development Guidelines and the relevant guidance including the Council's adopted Parking Standards, Manual for Streets and South Yorkshire Residential Design Guide.

### Public Rights of Way

The Site Development Guidelines states *"The presence of public rights of way throughout the site shall be retained."*

The route of the Chesterfield canal runs along part of the southern boundary with associated bridleway. Wales footpath no.19 runs in a westerly direction from the centre of the site's western boundary. Both of these will remain unaffected by the development. Furthermore, a route through from Norwood Crescent into the site will be created which will allow access through the site to the Bridleway along the southern boundary of the site and the Public Right of Way to the west. Other internal footpaths are provided through the estate road and also within the public open spaces.

It is considered that the scheme has been suitably designed to ensure the Site Development Guideline outlined above is satisfied and also ensure that the proposal enhances connectivity through the site and into the neighbouring estate and land.

The Council's Public Rights of Way Officer has indicated that the bridleway to the south which is in Council ownership is in fair condition and whilst the proposal will hopefully increase its usage there is no requirement for a financial contribution from the developer, as the recognition of the link to the bridleway will be very welcome and for this development that will be the best benefit for the public.

Furthermore, the Council's PROW officers have an agreed pair of dedicated paths being created as part of the development working with the parish council and developer, other than that there are no public paths affected and from the PROW officer's perspective they support what is proposed as it enhances and protects access to the nearby proposed canal towpath line.

## Landscapes

CS19 'Green Infrastructure' states: *"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."*

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

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

The site was assessed as part of the evidence-based survey work in connection with the Local Plan and was considered of moderate sensitivity and of medium capacity to accommodate development. The evidence from these studies contributed to the formation of site-specific development guidelines for the site.

The Site Development Guidelines in respect of landscapes state:

- The Chesterfield Canal runs adjacent to part of the southern boundary of this site and there is an associated bridleway adjacent to the Canal. Any potential future development of this site must buffer the line of the Chesterfield Canal to enable its re-instatement in the future.
- 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 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.

The site is well connected to the wider countryside by existing adjacent woodland (Kiveton Community Woodland).

The application is accompanied by a landscape and visual appraisal as required by the site development guidelines for this site within the local plan. The appraisal has been carried out using methodology, in line with landscape industry best practice (Guidelines for Landscape and Visual Impact



Assessment 3rd Edition). The scope of study area was 3km which is appropriate for a development of this scale.

The Council's Landscape Design Team have reviewed the document and concur with the findings of the report which are summarised below.

#### *Summary of Landscape effects*

Landscape character effects on site, and within 0.5km of the site are predicted to be that of Moderate adverse effect. The effects on the wider landscape character are predicted to be minor adverse effect. Beyond 1km the effects are not likely to be noticeable.

#### *Summary of visual effects*

The visual assessment considers the effects arising from the change in view at key receptors. This includes residential properties, road users and recreational users. Each receptor is assessed for sensitivity and susceptibility and the degree or magnitude of change is assessed for each receptor. A single viewpoint can be representative of several receptors.

Viewpoints 1 to 6 are located on the immediate perimeter of the site and will experience the greatest change resulting in a major adverse effect where clear views are possible.

Viewpoints 7 and 11 are representative of users of public rights of way, Kiveton community woodland approximately 0.5km from the site, and are likely to result in moderate to minor adverse effects initially and after 15 years.

Viewpoints 8-10 and 12 are mid-distance views from Public rights of way and from Hard Lane. Effects are likely to initially be moderate adverse but will reduce to moderate to minor and minor following maturity of mitigation measures.

#### *Summary*

Much of the site is significantly screened from view by Kiveton community woodland to the south and west, which limits the potential distant views and minimises the effects on the wider borough landscape and landscape character. Landscape and visual effects are limited to within 1km of the site. Beyond 1km the effects are not likely to be noticeable.

In light of the above the Council's Landscape Design Team have no significant objections to raise on landscape and visual grounds and consider that the proposals for the site address the site specific guidelines set out in the local plan in respect of landscape (see above).

Furthermore, the proposals include the creation on new green infrastructure assets which are well connected to the wider GI network and open countryside.

It is of note that initial comments made by Tree service colleagues regarding impacts to existing trees and vegetation have now been addressed to their satisfaction. Including more clarity on mitigation planting, larger specimen trees (advanced nursery stock and semi mature trees) to be planted as replacements. However, there is scope within the detailed plot landscape scheme to include more street trees and formal hedgerows to reduce the visual impact of parked cars on driveways, particularly on plot with terraces or higher density house types.

This level of detail can be secured via suitably worded planning conditions dealing with detailed landscape scheme, POS detailed design and long term landscape management.

The Council's Landscape Design Team have stated that subject to conditions, the application is considered to be compliant with policies CS21 'Landscape' and SP32 'Green Infrastructure and Landscape' and on that basis there are no landscape issues with the proposal.

### Trees

The NPPF and adopted Local Plan Policy CS21 'Landscapes' calls for developments to contribute to and enhance the natural environment specifically bio-diversity and green infrastructure.

The submitted Tree Survey indicates the scheme will require the removal of 18 individual trees (three category U), six tree groups (two category U) and the partial removal of a further two tree groups and sections of two hedgerows.

In order to mitigate for the loss of the trees the Tree Survey provides details of mitigation measures to compensate for the loss of the trees, which includes replacement tree planting; planting of native species to compensate the loss of habitat and planting of non-native and ornamental species to improve the amenity of the site.

The revised Landscape Masterplan shows a number of new trees being proposed within the site, including within front gardens, adjacent the estate road and mainly within the large areas of public open space. This would also include a small community orchard within the centre of the site, this will not only have a visual impact but will provide habitats for wildlife.

It is considered that whilst some trees and hedgerows are to be removed the replacement planting scheme indicated on the landscape masterplan will result in a positive enhancement to the site in respect of increased tree coverage. Accordingly, the proposal subject to conditions requiring the scheme to be developed in accordance with the Tree Survey, Arboricultural Method Statement and Arboricultural Impact Assessment submitted in support of the application it would comply with the requirements of the NPPF, the Site Development Guidelines and policy CS21 'Landscapes'.

## Ecology

Paragraph 174 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

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

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

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

The previous application was refused on ecological grounds and the reason for refusal was:

*'The Local Planning Authority consider that the applicant has failed to demonstrate that the proposed development would not have an adverse impact on the biodiversity of the site and the immediate surrounding area such that the scheme could have a negative impact on local wildlife habitats. The proposal would therefore be in conflict with policies CS20 'Biodiversity and Geodiversity'; SP33 'Conserving the Natural Environment' and SP35 'Protected and Priority Species' of Rotherham's adopted Local Plan and paragraph 170 of the National Planning Policy Framework.'*

It is of note that since the refusal the NPPF has been updated and paragraph 170 referred to in the decision notice has changed to paragraph 174.

It is of note that in the previous application the Council's Ecologist raised no concerns with the site being developed out for housing subject to conditions. However, the Yorkshire Wildlife Trust (YWT) did initially raise concerns regarding the submission of just a Preliminary Ecological Appraisal, which resulted in the submission of a Ecological Impact Assessment. The Council's Ecologist was again happy with the information provided, but no additional comments were received from the YWT despite them being reconsulted and the previous application was refused.

The applicant in this application is seeking to overcome the previous reason for refusal outlined above and have in addition to the Preliminary Ecological

Appraisal and Ecological Impact Assessment, also provided a Great Crested Newt and Water Voles Survey.

These accompanying ecological documents identify that the site supports the following habits:

- Semi-improved grassland – The semi-improved grassland present on site is not considered to comprise one of the notable grassland types listed under Section 41 of the NERC Act 2006 or the Rotherham LBAP.
- Scrub – The scrub present along the southern boundary provides a green linear feature and connects with the adjacent Kiveton Community Woodland habitats, the scrub on Site is comprised of commonly occurring species and therefore as a habitat is considered to be of importance to nature conservation at the site level only.
- Tall Ruderal - Tall ruderal vegetation is present in frequent locations across the Site, but is not a NERC Act 2006 Section 41 priority habitat nor is it listed within the Rotherham LBAP as a habitat of importance.
- Hedgerows - There are five hedgerows on Site all of which are located upon the Site's boundaries, these contribute to the local hedgerow network and are considered important to nature conservation at a Local level.
- Running Water - A narrow un-named stream flows through the Site in a north to south direction, the watercourse flows through a culvert beneath the PROW footpath, where it joins an un-named drain. Due to the connectivity of these watercourses with the surrounding area, they are considered to be of importance to nature conservation at up to the Local level.
- Introduced Shrub - An area of introduced shrub is present along the eastern boundary of the Site, this habitat is considered to be of importance to nature conservation at a site level only.
- Bare Ground - Bare ground is present along the two PROW's which follow the western and the southern boundaries of the Site. Both of these are well-trodden footpaths comprised of bare earth (mud). Bare ground is considered to be of negligible intrinsic ecological value and is not considered to present a constraint to the development.
- Scattered Trees - Scattered trees are present along parts of the northern boundary, scattered trees are not listed as a NERC Act 2006 Section 41 priority habitat, nor within the Rotherham LBAP as a habitat of importance.
- Broadleaves Woodland - Broadleaved woodland is present in the southern-most part of the Site and is a NERC Act 2006 Section 41 priority habitat and Woodland' is listed within the Rotherham LBAP as a habitat of importance.

In terms of the species the reports identified the following:

- Amphibians – Great Crested Newt are not present on site; as determined by the 2021 survey. Given the large amount of suitable terrestrial habitat surrounding the ponds and drain network within

Kiveton Community Woodland, the Site habitats are not considered to be of importance to GCN or common amphibians at greater than a site level.

- Badgers - Badgers are not considered to be resident on Site.
- Bats - The Site in general is likely to be of importance to foraging bats at the site level only.
- Birds - The scrub, hedgerows and broadleaved woodland edge habitat have suitability for use by a wide range of common passerine bird species for nesting and foraging.
- Reptiles - The habitats on Site are confirmed to be suitable for supporting reptiles in low numbers however the adjacent field to the west of the Site and Kiveton Community Woodland to the south of the Site, with its ponds, drain network, grassland and woodland habitats, also provide suitable habitat for reptiles.
- Otter – The site is considered to be too small and isolated from larger watercourses for it to be suitable for otters.
- Water Vole – Following a water vole survey it was determined that no evidence of burrows of a typical size or any other conclusive field signs (such as feeding piles or latrines) were present on site to indicate the presence of water voles.
- White Clawed Crayfish – It is considered that the watercourse present on site is unsuitable for white clawed crayfish due to the poor substrate and abundance of sediment within the channel.
- Brown Hare - Alternative habitat, which is more isolated from public disturbance, is available in the wider area, and as such the site is not identified to be utilised by brown hare.
- Hedgehog - Given the abundance of suitable habitat in the local area, the Site is not considered to be of importance to hedgehogs.

On the basis of the above the site is not deemed to support any priority or protected species.

The ecological reports confirm that the Site is not of ecological significance.

The Yorkshire Wildlife Trust have been consulted on this current revised application and have seen all the relevant ecological documents submitted as set out above. The YWT have commented that the additional survey reports for great crested newts and water voles are acceptable and the mitigation set out in the revised Ecological Impact Assessment which sees commitments to enhance the watercourse on site for water voles is supported. Although they do advise that they would be encouraged to see commitments to enhance the watercourse on site for water voles.

Further to the above YWT set out some additional requirements in respect of bats, sensitive lighting, replacement planting requirements and footpath accesses to the Local Wildlife sites being appropriate.

YWT also noted in their initial response that whilst they can provide ecological advice to the Council, it is the role of planning officers to consider these

comments against national and local policy to deliberate their importance in the planning balance when making a recommendation on the application.

On receipt of the above comments, the applicant has provided an updated Ecological Impact Assessment and an addendum for further consideration by YWT and the Council's Ecologist.

The additional information confirms that as identified on the Site Layout, a wildlife tunnel is to be provided directly adjacent the water course, to ensure species can move safely under the highway via land if they are not to swim. The EcIA & EcIA Addendum have now been updated to respond to the query regarding bats, it is identified that the two trees displaying low suitability for roosting bats that require removal (T11 and T12) will be felled under best practice measures by sectioning the trees and lowering them to the ground and then being left in situ for 24 hours before being removed from the site. Aerial inspection ahead of felling has been considered (as suggested and requested by YWT) however based on the trees levels of suitability (low only) and the trees comprising pollarded standards (i.e. the main trunk does not extend above approx. 3 m) canopy growth is too thin to support climbing equipment and the cavities observed are typically below 3 m in height and therefore are accessible via ladder or from ground level.

The EcIA & EcIA Addendum have also been updated in respect of a sensitive lighting scheme, whereby it outlines that a sensitive lighting scheme with reference to the principles set out within the 'Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series', Bat Conservation Trust and Institution of Lighting Professionals, 2018 will be implemented to ensure lighting does not spill onto retained and new habitats which offer suitable habitat for roosting bats. A lux level no greater than 5 will be adhered to and the scheme will be produced in consultation with an ecologist.

In respect of the issue raised in regard to tree planting requirements, the additional information states that the majority of replacement tree planting is to take place within areas of which are to be maintained by our private management company to ensure their retention & maintenance. Finally with regard to the footpath, the specific details of the footpath will be submitted & discussed via the landscape details condition. Surfacing type will be carefully considered.

The YWT on receipt of the additional information have commented that they are encouraged by the inclusion of the mitigation measures and these should form planning conditions. Accordingly, they have not raised an objection to the proposed development from an ecological perspective.

In addition, the Council's Ecologist has confirmed that the mitigation measures set out in the EcIA addendum are welcomed and should be conditioned accordingly. This includes standard working hours and practices, pollution prevention measures, welcome packs for each property with a leaflet sheet on the Local Wildlife Site and a sensitive lighting plan to ensure there is

no light pollution into the Local Wildlife Site. It also includes retention and enhancement of hedgerows, additional tree planting, nest boxes for bats and birds and creation of formal footpaths within the public open space on site and enhance.

The Council's Ecologist has also stated that the planting of an orchard on site is also supported and together with the bat and bird boxes and the mitigation measures set out in the amended EcIA and EcIA addendum cumulatively they will provide biodiversity enhancement.

The full list of mitigation measures have been summarized into the following table:

<b>Ecological Feature</b>	<b>Mitigation Measures</b>	<b>Implementation</b>
<b>Designated Site</b>		
<b>Local Wildlife Site</b>	Pollution prevention measures to be put in place for works occurring near the stream	This is outlined within the Construction Management Plan
<b>Habitats</b>		
<b>Semi-improved grassland</b>	Where existing tree lines and hedgerows are to be retained, a grassland buffer should be maintained at their base and protected by a Root Protection Zone.	Identified on Tree Protection Plan
<b>Hedgerows</b>	RPZs to be implemented around the retained sections of hedgerow. A sufficient standoff should be maintained in the operational phase.	Identified on Tree Protection Plan
<b>Running Water</b>	Area to be disturbed by machinery to be minimised and adjacent habitats, trees in particular, to be protected with fencing to demarcate RPZ's.	Identified on Tree Protection Plan
<b>Scattered Trees</b>	RPZs to be implemented to protect trees during construction	Identified on Tree Protection Plan
<b>Species</b>		
<b>Great Crested Newts</b>	Pre-commencement survey carried out and no newts present	N/A
<b>Amphibians – Common Species</b>	Vegetation clearance will be undertaken in phases and in a directional systematic manner to encourage amphibians away from the footprint of works and toward the boundaries of the Site or the area of POS where suitable	This is outlined within the Construction Management Plan

	vegetation cover will be retained.	
	Where common amphibians are found during construction, they should be removed from the site by gloved hand and placed in an area of cover away from the construction area.	This is outlined within the Construction Management Plan
<b>Badgers</b>	All deep excavations (>1m) should be covered overnight and shallow excavations (<1m) should have a scaffold board or equivalent placed in them overnight to allow any badgers to exit.	This is outlined within the Construction Management Plan
	Any chemicals or other Site materials should be stored securely.	This is outlined within the Construction Management Plan
	No open pipework should be left overnight to reduce risk of badgers taking refuge in them.	This is outlined within the Construction Management Plan
	Retention of grass land buffers along retained tree lines to create a commuting corridor	Identified on Tree Protection Plan
	Fencing should not exclude badgers from moving around the POS	Identified on Tree Protection Plan
<b>Roosting Bats</b>	2 x trees identified as displaying Low suitability for roosting bats that require removal (T11 and T12) will be felled under best practice measures.	Strata to take this into account when felling T11 & T12
	This will involve sectioning the trees and lowering them to the ground. They will be left in situ for 24 hours before being removed from site.	
	The loss of the two trees which display low suitability will be compensated through the provision of building integrated bat boxes.	Biodiversity Management Plan identifies this.
<b>Foraging &amp; Commuting Bats</b>	Sensitive lighting scheme – to ensure lighting does not spill onto existing and new habitats	Rotherham Council is to design the lighting scheme
<b>Birds</b>	Remove trees & hedgerow outside of bird nesting season	Strata to take this into account
<b>Reptiles</b>	If present on site during vegetation clearance produce a Reptile Reasonable Avoidance Measures (RAM) Method Statement (MS).	Strata to take this into account



<b>Riparian Mammals – Water Voles</b>	Pre-commencement survey of the section of the stream of which is to be culverted and 20m up and downstream to check for water vole burrows.	Biodiversity Management Plan identifies this.
<b>Brown Hare</b>	Undertake a walkover to check for hares prior to vegetation clearance.	Strata to undertake
<b>Hedgehog</b>	Clearance of dense scrub should preferably be between April & October	Strata to implement
	Any excavations overnight will have an escape ramp	This is outlined within the Construction Management Plan
	13cm x 13cm gaps will be provided at the base of boundary treatments to allow hedgehogs to move through gardens	Biodiversity Management Plan identifies this.
	An underpass tunnel will be constructed in a north/south orientation adjacent the stream culvert	Biodiversity Management Plan identifies this.
<b>Invasive Species</b>		
<b>Cotoneaster, Himalayan balsam, horsetail</b>	All cotoneaster, Himalayan balsam and horsetail on Site will be treated as invasive, cleared using hand tools ensuring the entire plant is removed, and bagged separately to other vegetation. This should then be transported to a suitable green waste facility which is made aware of the content.	Invasive Species Management Plan covers this
<b>Japanese Knotweed</b>	Implementation of temporary fencing around the Japanese knotweed (up to 7m in height) is advised.	Invasive Species Management Plan covers this

Further to the above, YWT have requested the submission of a Biodiversity Net Gain (BNG) calculation. However, this requirement is not set out within any current adopted Local Plan policy or Supplementary Planning Document and is not referenced in the latest version of the NPPF. In addition, the Environmental Bill has not received Royal Assent and even when it does which could be the end of this year / early next year, a further round of consultation needs to take place before the Government of the day has to respond to those consultation responses. As such it is not expected that a BNG calculation will not become a requirement of planning applications until the end of 2022 / early 2023 at the earliest.

As such it is considered that whilst a BNG calculation is not required at this current time, Policy SP 33 requires developments to 'conserve and enhance existing and create new features of biodiversity'. In this instance it is considered that the current proposals as set out in the supporting documentation will enhance biodiversity on site given that the site is currently an agricultural field and as such incorporates a limited range of fauna & flora. Moreover, the applicant is proposing a range of biodiversity enhancement measures of which are to be incorporated into the development for example: a large area of public open space of which incorporates various species & plant types; a community orchard; aquatic, marginal & native planting within the water course; 208 individual trees in replacement of 17 category U trees; bat boxes; bird boxes; swift bricks & hedgehog foraging routes.

These are further summarized below:

Ecological Feature	Enhancement	Implementation
<b>Bats</b>	2 to be installed as compensation for the loss of Tree 11 & 12.	Shown on Biodiversity Management Plan
	19 building integrated and tree mounted bat boxes of which are to be incorporated into residential properties and on retained trees at the Site.	Shown on Biodiversity Management Plan
<b>Birds</b>	5 bird boxes with 26mm entrance holes	Shown on Biodiversity Management Plan
	5 bird boxes with 32mm entrance holes	Shown on Biodiversity Management Plan
	5 sparrow terrace bird boxes.	Shown on Biodiversity Management Plan
	4 swift bricks	Shown on Biodiversity Management Plan

Having regard to the above, it is considered that the proposal demonstrates net biodiversity gain and complies with paragraph 174 of the NPPF which states that: *"Planning policies and decisions should contribute to and enhance the natural and local environment by: 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"* and Local Policy SP 33 *"Conserving and Enhancing the Natural Environment"*

Based on the various ecological reports, it is considered that the development would have limited impact upon habitats and species present on Site and that appropriate measures can be put in place which would see the enhancement of the Site from an ecological perspective. Furthermore, the wider benefits of

developing this allocated residential site for housing which will provide much needed new homes to assist in achieving the Council's Housing targets set by Government to meet the current housing shortage would outweigh the limited ecological impact this development would have given the extensive mitigation measures proposed. Therefore, in the planning balance it is considered that the scheme would not have an adverse effect ecologically, would overcome the previous reason for refusal and subject to conditions, would accord with adopted Local Plan policies CS20, SP33 and SP35, the adopted SPD 'Natural Environment' and paragraph 174 of the National Planning Policy Framework.

It is noted that several members of the public have raised concerns regarding the impact of the development on a Deer that has been seen on the site. These comments are noted but Deer are not protected and do not have Biodiversity Action Plan or Priority status. Of the six species in the UK, only red deer and roe deer are native; non-native species do not receive special status because they were introduced or escaped and are additional to our fauna. Red deer are native to the Scottish Highlands whilst roe deer (the ones in the photograph sent to the Council) are common and widespread throughout Britain. Roe deer therefore do not have any priority status like bats, birds, great crested newts and others and as such the siting of them on this site would not preclude the sites development or the determination of this application.

### Green Spaces

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

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

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

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

In respect of policy SP37 the current proposal of 197 dwellings would require 10,835 sq. metres of public open space on site, which would not include the SUDs area. The proposal would provide in excess of this figure. Furthermore, all units would be within 280m of a green space and the design in respect of the public open space areas appear to be acceptable.

In addition, policy SP37 also requires all new homes to be within 400m of an equipped play area. A small proportion of the development falls within 400m of existing play equipment at Kiveton Park (owned by the parish council), off Wales Road which will provide facilities for part of the site but does not allow the whole development to meet policy SP37. An equipped play area suitable for younger children (up to 8 years) is to be provided on site to ensure compliance with SP37 and to compliment the slightly older children's equipment within the recreation ground to the north. This area will be provided in the centre of the site and whilst details of the precise equipment to be installed has not been disclosed this can be secured via a suitably worded condition.

An off-site contribution to enable improvements to children's play at the parish site would mitigate the extra pressure put on this site. A contribution of £30,000 has been agreed with Green Spaces and this together with the on-site provision would ensure that subject to the signing of a s106 legal agreement to agree the details of the equipped play area with the Council's Green Spaces Service and a suitable condition to secure details of the on-site play area, the proposal would satisfy policy SP37 'New and Improvements to Existing Green Space'.

#### Drainage and Flood Risk

The site is located with Flood Zone 1 but given the size and scale of the development there is potential for increased surface water flows through the development that could impact on future residents of the scheme and existing residents of neighbouring properties. As such, a flood risk assessment and drainage details have been submitted in support of the application.

Policy CS25 'Dealing with Flood Risk' states proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. Furthermore, policy SP47 'Understanding and Managing Flood Risk and Drainage' states the Council will expect proposals to demonstrate an understanding of the flood route of surface water flows through the proposed development; control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS) and consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding problems. These policies are supported by paragraphs 167 and 169 of the NPPF.

The Site Development Guidelines states: *"Water courses are present on this site. Flood risk from these watercourses should be assessed as part of a Flood Risk Assessment. If development causes any loss of potential flood storage volume, compensatory storage should be provided. A large area in the centre of the site is subject to flooding, this issue will need to be resolved through drainage attenuation measures."*

The Council's Drainage Engineer whilst having no objections to the scheme in principle, initially raised some concerns that the level of drainage information originally supplied was not sufficient for an application of this scale.

Additional information has since been submitted in respect of the proposed drainage for the site. The Council's Drainage Engineer has indicated that in respect of the additional information it is acceptable and should be referred to in relevant conditions and the approved details should be implemented accordingly.

Of note is the exceedance routing submitted and in particular the low spot in the road near plot 133 can be rectified more easily than the applicant states. In addition, foul drainage from some of the houses in the eastern part of the site, which drain to the pumping station could drain by gravity to the existing sewers, which is a more sustainable option. Severn Trent Water will be adopting the foul drainage and therefore will have the final say on the design of the foul sewers.

Furthermore, the proposed culvert for new road crossing of the existing watercourse is acceptable from a planning perspective. It should be noted that approvals from the Council as both Highway Authority and Lead Local Flood Authority are also required for this culverting, and these sit outside the planning process.

Therefore, there are no concerns with the scheme from a drainage or flood risk perspective. Accordingly, subject to conditions the proposed development would satisfy the requirements of the NPPF, Local Plan policies referred to above and the Site Development Guideline in regard to flooding.

### General Amenity

Paragraph 130(f) of the NPPF states planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

In respect of amenity there are two elements

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

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

In relation to construction, while some noise is to be expected with development works of this scale it is important to limit the impact of the works on existing nearby residents. Good construction practice and appropriate consideration of working hours should ensure that this occurs. This will be secured by the imposition of a condition requiring the submission of a Construction Management Plan which include details of access to the site for construction vehicles, traffic management during construction work, location of site compounds and staff parking; measures to deal with dust and mud on the highway; and details of hours of construction and deliveries. It is noted that construction traffic will access the site via the new proposed vehicular accesses off Chapel Way and Lambrell Avenue that will then be used once the development has been completed. No other accesses will be created.

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

With regard to the impact of the dwellings once constructed on the occupants of existing properties to the north and east, it is noted that spacing distances from the rear elevations of plots 1 to 4, in the north-east corner of the site, are between 12 and 17 metres to the rear boundary with properties on Imrie Place. Furthermore, there would be 22 to 24 metres between rear elevations, as such these distances exceed the 10 metre rear garden and 21 metres distance between elevations with habitable room windows as set out within the South Yorkshire Residential Design Guide. The excess spacing distances will also account for the fact that some of the properties in this area would be 2.5 storey high.

In addition, plots 193 to 197 would be between 10 and 17 metres from the boundary with properties on MacKinnon Avenue. These distances again are in line with the requirements of the South Yorkshire Residential Design Guide.

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

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

detrimental overshadowing of habitable room windows or proposed private rear amenity spaces.

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

#### Air Quality and Sustainability

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

NPPF states at paragraph 112 that amongst other things applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The proposed development for 197 dwellings is classified as a Medium proposal as set out in the adopted Rotherham SPD 'Air Quality and Emissions'.

Box 3 of the SPD includes the following mitigation options:

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

The site is not located within an Air Quality Management Area.

The applicant has provided a plan showing each property having a EV Charing point and details of the type of Charging Point has been submitted.

The Council's Air Quality Officer has stated that the information submitted with respect to EV charging infrastructure is acceptable. Furthermore, the development is not located within or close to an Air Quality Management Area and the development is not predicted to result in significant impacts on local air quality in terms of National Air Quality Strategy pollutants, in particular nitrogen dioxide annual mean.

There are no issues in respect of air quality impact from the development.

Further to the above a Sustainability Statement has been provided by the applicant which places great importance on the efficiency of a property's thermal envelope and internal building services, therefore ensuring that each

dwelling on the development benefits from built-in energy reduction measures with no future maintenance issues.

The Statement demonstrates that the proposed enhanced fabric specification within the construction of the dwellings reduces average fabric Energy Demand on the site by 15.23% and the average predicted Carbon emissions by 5.71%. In addition, water consumption per person per day is anticipated to be less than that required by Building Regulations and sustainable measures are proposed such as;

- a commitment to obtaining responsible sourcing certification for at least 90% of the building elements in each dwelling;
- constructing the dwellings with insulating materials that have a Global Warming Potential of less than 5;
- all dwellings will be heated by highly efficient gas boilers, with those that have NOx emissions of less than 40 mg/kWh being considered;
- promoting the reduction and effective management of construction related waste, with robust procedures to share materials such as soil and aggregate between sites and to sort waste on and off site to divert from landfill;
- designing the layout to maximise the north-south orientation to allow for passive design whereby dual aspect dwellings enable views, good daylighting and cross ventilation, with each principal living room having sufficient glazing to allow natural light to penetrate; and
- eco-sanitary ware and restricted flow rates will be introduced into the design of each development to obtain the appropriate level of water efficiency.

Having regard to the above it is considered that the measures in place will ensure the development complies with the requirements of adopted Local Plan policy CS30, the adopted SPD 'Air Quality and Emissions' and paragraph 112 of the NPPF, all of which emphasise sustainable development, energy efficiency and reduction in carbon emissions.

### Affordable Housing

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

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

The policy position is therefore 25% of the total number of units on the site should be made available for affordable housing, which in this instance would be 49. The application only proposes to provide 43 units of affordable housing on site, this is because the 8 x two bed bungalows being provided on a "two for one" basis in place of 2 x two bedroom houses. This substitution



has been agreed with the Council's Affordable Housing Officer but will be for members approval.

The breakdown of the 43 units is as follows:

- 8 x 2 bedroom bungalows
- 18 x 2 bedroom houses
- 13 x 3 bed houses
- 4 x 4 bed houses

Therefore, having regard to the above and subject to the s106 agreement the proposal will comply with requirements of policy CS7.

### Education

An education contribution towards Secondary / SEND (Special Educational Needs and Disability) and SEMH (Social, Emotional and Mental Health) education provision in the area would be required. The commuted sum which would be secured via a s106 legal agreement based on the Council's formulae would equate to £384,422.

### Minerals

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

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

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

### Land Contamination and Soil Resources

The application site was undeveloped agricultural land until approximately 1892, when the Killamarsh Branch Extension Line and Norwood Tunnel (Chesterfield Canal) were constructed along the southern boundary of the site, which encroached onto the south eastern and south western areas of the site. No further significant changes took place until 1951 when large scale tipping (with associated railway sidings) took place across the central and eastern portions of the site. A stream that had run through the centre of the site was shown to have been culverted. The central area of the site had significantly increased in size by 1958. However, by 1970, the land appears to have been levelled and the spoil heap and railway sidings have gone. The spoil heap deposited on site was likely to be in association with the former neighbouring collieries.

Intrusive site investigations were undertaken between the 19<sup>th</sup> and 23<sup>rd</sup> October 2020 to determine both the geotechnical and geo-environmental ground conditions across the site to assess if any significant soil and groundwater contamination associated with the past historical uses of the site could impact on the proposed residential development of the site.

The site investigation works comprised the drilling of 11 dynamic boreholes complete with the installation of 6 groundwater/gas monitoring standpipes and the excavation of 30no trial pits. 12no. samples of made ground and 29 samples of natural soil were collected from across the site to assess for site wide contamination. The soil samples were submitted to an accredited laboratory for chemical testing.

A single elevated concentration of arsenic was found to be above governmental guideline values identified in trial pit TP08 which was excavated along the central southern boundary. Given the sample of soil was only marginally above the guideline value it is considered that arsenic does not pose a significant risk to human health.

No highly mobile organic contaminants (e.g. btex, TPHs, PAHs) were recorded within the made ground or natural ground across the site that were above governmental guideline values for a residential end use. On the basis of chemical testing undertaken, the concentration of contaminants within the soils do not pose a risk to human health or controlled waters

Gas monitoring was undertaken on six occasions over a three-month time-period to assess the ground gassing regime. The results confirmed that negligible methane gas was detected; however, carbon dioxide gas was recorded between a range of 1.9% (v/v) and 6.3% (v/v) with a maximum flow rate of 10.08 l/hr. The entire site has therefore been classified as a Gas Characteristic Situation 2 and gas protection measures are required for each new build. However, cut and fill earthworks are required to achieve final development platform levels, so there may be significant changes to ground levels within the site. The ground gas regime should therefore be reassessed following the cut and fill earthworks.

In conclusion it is considered there is very low risk to the future users of the site from potential site contamination and the site is considered suitable for its proposed end use. However, given the current topography of the land and the presence of an existing spoil mound, it is anticipated that earthworks will be required in order to achieve a suitable development platform. A detailed earthworks strategy/specification will need to be provided confirming the exact works to be undertaken, which can be achieved via a suitable condition.

Therefore having regard to the above the proposal subject to conditions would raise no risk to future users from a contamination perspective.

Further to the above, given the greenfield status of this site a Soil Strategy will be required in accordance with policy SP36 'Soil Strategy'. SP36 states: *"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. Applicants should demonstrate, in their proposals, that there are feasible and appropriate methods, locations and receptors for the temporary storage and reuse of high-quality soils. 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."*

The applicant has confirmed that the site was previously undeveloped agricultural land until approximately 1892, when the Killamarsh branch line and Norwood Tunnel were constructed in the southern area of the site. From 1951 large scale tipping with associated railway sidings was denoted across the central and eastern portions of the site. This is assumed to be colliery spoil derived from the nearby Kiveton Park Collieries. The spoil heap and associated railway sidings was denoted to be removed and levelled by 1970.

In light of the above a Materials Management Plan (MMP) is to be prepared and implemented by an experience earthworks contractor. This plan will ensure that materials are managed and stored correctly on site to avoid unnecessarily removing of materials from the site in line with the Waste Code of Practise (DoWCoP). This will be required as part of the Construction Management Plan.

#### Other considerations

The South Yorkshire Archaeology Service have indicated that the archaeological potential is likely to be low on this site and as such they do not consider that any archaeological provision is required.

The Chesterfield Canal Trust were consulted on the scheme due to the close proximity of the Chesterfield Canal to the site. They have requested s106 monies for improvements to the canal.

The National Planning Practice Guidance 'Planning Obligations' states planning obligations assist in mitigating the impact of unacceptable

development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. They must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

It is considered that improvements to the canal are not required to make the development acceptable as it can be demonstrated that the scheme can be delivered with the drainage scheme as designed. As such it is considered that this cannot be used as a reason to require the upgrade and therefore it is judged that a request for a S106 contribution towards improvements to the canal cannot be justified in this instance.

The Chesterfield Canal Trust have been made aware of this assessment and they have indicated that they will approach the developer separately.

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

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

One of the recurring themes of the objections received relates to impact of 197 dwellings on local amenities, mainly schools and health facilities. In respect of schools, the Council's education service have indicated that a financial contribution will be required for secondary education provision in the locality and this has been detailed in the report. In respect of impact of the development on health facilities, the NHS Clinical Commission Group (CCG) have been consulted on the application and confirmed that Kiveton Park is one of the few areas in Rotherham where the practice does have room to grow and accommodate additional patients from a buildings point of view. This development, combined with others in that region of town, would require an expansion of clinical services but we do have the facilities there for them in this instance.

Furthermore, if the buildings need to be extended in the future there is the possibility of obtaining funding through the Councils Infrastructure Funding Statement, published in December 2020 includes high level categories of infrastructure that may be funded by CIL. It includes "Healthcare" as one such category. Accordingly, funds generated from CIL could be allocated towards funding new/expanded healthcare facilities within the area.

With regard to the majority of other issues raised by objectors which are material planning considerations such as the principle of developing this site, housing mix, scale of the development, impact on amenity of neighbouring residents and local amenities, highway safety, environmental and ecological concerns, drainage issues and public rights of way have been assessed and considered in the prevailing sections of the report. It is judged that having regard to the comments received the material planning issues raised would not tip the planning balance and would not outweigh the conclusion that the proposal complies with the relevant planning policies and guidance.

It is noted that some of the objections raise issues about the site being Green Belt land. However, the principle of residential development of this site is long established. The site was previously allocated for residential development within the adopted Unitary Development Plan (1999) and continued to be allocated for residential development within the current adopted Local Plan, the site has never been allocated as Green Belt as far back as 1999 at the latest.

It is also noted that many objectors state that there is sufficient brownfield land elsewhere. The Council in the examination of the Sites and Policies Local Plan demonstrated, to the satisfaction of the independently appointed Planning Inspector, there was a dearth of brownfield sites on which residential development could be pursued and it was essential that the Council undertake a green belt review to enable sufficient land to be allocated to meet its identified housing requirement. It is important to note that the objector's do not provide any further evidence to support these claims and do not identify any alternative brownfield sites that will provide for nearly 200 dwellings or more within the Kiveton Park Settlement Group.

One objection raised the question regarding improved rail services to accommodate the additional residents and to move them away from using a car. Whilst noted it would be for the rail operators to provide additional services should they wish to and if demand requires it.

A further issue raised related to after hours facilities for children and teenagers to take them off the streets. The proposal is to provide money towards improvements to the existing play facilities on the Parish Council land off Wales Road, but in terms of places for teenagers to go i.e. youth clubs etc. it would be for those who own the buildings to provide facilities and activities for the local children / teenagers, this could potentially be done in conjunction with the Council but it would something that would need to be done outside the remit of a planning application.

## **Conclusion**

It is concluded that notwithstanding the objections received, the application represents an acceptable form of development on Residential allocated land which is of an appropriate design that would not adversely affect the character or appearance of the locality. Furthermore, subject to conditions, the proposal

would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or drainage, ecological or environmental issues, while providing affordable housing. The application is therefore recommended for approval subject to conditions and the signing of a s106 agreement for the provision of affordable housing on site, the setting up of a management company to manage and maintain on-site open space provision, as well as financial contributions towards promotion of sustainable travel measures; education provision and improvements to a neighbouring play area.

### **Conditions**

#### **General**

01

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

Reason

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

02

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

#### Miscellaneous

18-CL4-SEGB-KI-SK-04 – Location Plan  
 18-CL4-SEGB-KI-SK-01 rev T – Site Plan  
 18-CL4-SEGB-KI-SK-05 rev B – Massing Plan  
 P18-1850.003 rev F – Landscape Masterplan  
 18-CL4-SEGB-KI-SK-03 rev B – Materials / Boundary Treatment Plan  
 C1065233 rev O – Substation  
 C&RSP/S/DB – Bin and Cycle Stores  
 18-CL4-SEGB-KI-SK-06 rev B – Car Parking Plan  
 MY\_DG1 – Double Garage  
 MY\_SG1 – Single Garage  
 18-CL4-SEGB-KI-SK-10 rev A – Production Management Plan  
 AMA-20400-SK007 – Visibility Splays  
 AMA-20400-SK008 – Visibility Splays  
 AMA-20400-SK009 – Visibility Splays  
 AMA-20400-SK010 – Forward Visibility Splays  
 AMA-20400-SK011 – Forward Visibility Splays  
 AMA-20400-SK012 – Full Site Visibility Splays  
 18-CL4-SEGB-KI-SK-011 rev A - Biodiversity Management Plan

## House-types

M3-100 Barcelona Planning Drawing (Dwg: 01)  
 M4-400 Madrid Planning Drawing AS (Dwg: 01)  
 MY P-202 (Livorno) Brick (Dwg: 100)  
 MY P-202 (Livorno) Stone (Dwg: 101)  
 MY P-302 (Geneva) Brick AS (Dwg: 100)  
 MY P-302 (Geneva) Brick OPP (Dwg: 100)  
 MY P-302 (Geneva) Stone AS (Dwg: 101)  
 MY P-302 (Geneva) Stone OPP (Dwg: 101)  
 MY P-404 (Rosas) Brick AS (Dwg: 100)  
 MY P-404 (Rosas) Stone AS (Dwg: 101)  
 MY P-405 (Bologna) Brick AS (Dwg: 100)  
 MY P-405 (Bologna) Stone AS (Dwg: 101)  
 MY P-412 (Oporto) Brick AS (Dwg: 100)  
 MY P-412 (Oporto) Stone AS (Dwg: 101)  
 MY P-502 (Valencia) Brick AS (Dwg: 100)  
 MY P-502 (Valencia) Stone AS (Dwg: 101)  
 My P-505 (Naples) Brick (Dwg: 100)  
 My P-505 (Naples) Stone (Dwg: 101)  
 MY-A-205 Brick AS (Dwg: 100)  
 MY-A-205 Brick OPP (Dwg: 100)  
 MY-A-205 Stone AS (Dwg: 100)  
 MY-A-205 Stone OPP (Dwg: 100)  
 MY-A-251 Brick (Dwg: 100)  
 MY-A-251 Stone (Dwg: 101)  
 MY-A-352 Brick (Dwg: 100)  
 MY-A-352 Stone (Dwg: 101)  
 MY-A-451 Brick AS (Dwg: 100)  
 MY-A-451 Brick OPP (Dwg: 100)  
 MY-A-451 Stone AS (Dwg: 101)  
 MY-A-451 Stone OPP (Dwg: 101)  
 MIY\_SG1 (Dwg: 100)  
 MIY\_DG1 (Dwg: 100)  
 MY-P-405 (BOLOGNA) AS Welcome Centre (Dwg: 100)

## Electric Vehicle Charging Point Specifications

Wallpod Deep Combination 10A RCBO/1 3A SKT (Dwg: EVWPOO20)  
 Wallpod Mounting Post: Ground Mounted Galvanised Steel (Dwg: EVFP0020)  
 WallPod: EV Ready Specification (Ref: PEV.013)

## Reason

To define the permission and for the avoidance of doubt.

Materials

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing no 18-CL4-SEGB-KI-SK-03 rev B. The development shall thereafter be carried out in accordance with these details.

Reason

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

Amenity

04

The development shall be carried out in accordance with the details and recommendations set out in the Construction Management Plan V2 (dated July 2021) and the Soil Strategy (dated 22 April 2021) and as shown on drawing 18-CL4-SEGB-KI-SK-10 rev A – Production Management Plan, unless otherwise agreed in writing by the Local Planning Authority. The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

Air Quality

05

The electric vehicle charging points as shown on plan 18-CL4-SEGB-KI-SK-06 rev B shall be provided prior to each dwelling being occupied and shall thereafter be retained.

Reason

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

Drainage

06

The foul and surface water drainage scheme shown on drawing no. B23035 JNP 92 ZZ DR C 7008 rev P04 within Appendix 3 of the submitted Drainage Strategy document (prepared by JNP Group Consulting Engineers, ref: B23035-JNP-92-ZZ-RP-C-1001 P04, dated August 2021), shall be implemented before the development is completed. During construction if the approved scheme has not been implemented, temporary arrangements should be put in place to limit surface water runoff to the agreed discharge rate and protect receiving watercourses.



**Reason**

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

07

The development shall be carried out in accordance with the flood route drawing (ref: B23035 JNP 92 ZZ DR C 7015 rev P01) within Appendix 3 of the submitted Drainage Strategy document (prepared by JNP Group Consulting Engineers, ref: B23035-JNP-92-ZZ-RP-C-1001 P04, dated August 2021). The development shall not be brought into use until the 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.

**Landscapes**

08

Prior to any above ground development taking place, a detailed landscape scheme for Plot landscaping shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be based on the approved Landscape masterplan prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

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

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

Reason

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

09

Prior to first occupation, a detailed hard and soft landscape scheme for the Public Open Space/ Green Infrastructure within the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall be prepared to a minimum scale of 1:200. The scheme shall clearly identify the following as appropriate:

Hard Landscape elements:

- Existing and proposed finished levels or contours
- Means of enclosure
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
- Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, inspection chambers, etc)
- Highway visibility requirements
- Retained existing site features and proposals for restoration, where relevant.

Soft landscape details shall include:

- Planting plans
- Written specifications (including ground preparation, cultivation and other operations associated with plant and grass establishment)  
Schedules of plants, noting species, planting sizes and proposed numbers / densities or planting distances
- An implementation programme.
- Written details of the responsibility for ongoing maintenance and a schedule of operations.

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

Reason

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

10

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

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

Reason

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

11

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

Reason

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

12

Prior to any above ground development taking place, details of a scheme of advance planting to provide mitigation planting to site boundaries and structure planting along access roads and associated with key entrances and junctions 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:

- i. Prior to the first occupation of the part or phase of development to which the screen relates: or
- ii. In accordance with an implementation timetable agreed in writing with the Local Planning Authority.

This planting shall be maintained for the lifetime of the development following contractual practical completion of the part or phase of development to which it relates, and any failures replaced for a period of 5 years

**Reason**

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

**Trees**

13

The development shall be undertaken in accordance with details set out within the amended Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement (April 2021) and the Landscape Masterplan (ref: P18-1850.003 rev F). Any variations to the details of the documents and plans listed must only be undertaken after the proposed variations have been agreed in writing by the Local Planning Authority.

**Reason**

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

**Ecology**

14

The development shall be carried out in accordance with the mitigation measures set out in Table 2 of the Ecological Impact Assessment Addendum prepared by ECUS Environmental Consultants dated 24<sup>th</sup> September 2021. Thereafter such measures shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

**Reason**

In order not to disturb any bats or birds and to make adequate provision for species protected by the Wildlife & Countryside Act 1981.

15

The Bat and Bird boxes shown on drawing 18-CL4-SEGB-KI-SK-011 rev A shall be provided prior to the first occupation of that dwelling or before the public open space is brought into use and shall thereafter be retained and maintained unless otherwise agreed with the Local Planning Authority.

**Reason**

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

16

The development shall be carried out in accordance with the recommendations set out at paragraphs 7.2.1, 7.2.2 and 7.2.3 of the Great Crested Newt eDNA and Water Vole Surveys report prepared by ECUS Environmental Consultants dated July 2021. Thereafter such measures shall be retained and maintained unless otherwise agreed with the Local Planning

Authority.

Reason

In order to make adequate provision for species protected by the Wildlife & Countryside Act 1981.

17

Prior to any lighting being installed on the site, a Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Plan shall be carried out in accordance with the guidance contained within the Institute of Lighting Engineers "Guidance Notes for the Reduction of Light Pollution". The approved details shall be implemented prior to the lights being first switched on.

Reason

To ensure that there is no light pollution into Kiveton Colliery Local Wildlife Site.

### Green Spaces

18

Prior to the construction of the play area hatched purple on drawing no. P18-1850.003F, details of the equipment to be provided shall be submitted to and approved in writing by the Local Planning Authority. The equipment provided should be to LEAP standards suitable for children up to 8 years old. The approved equipment shall be installed in accordance with a timeframe to be agreed with the Local Planning Authority.

Reason

To ensure the scheme provides an appropriate level of play provision.

### Land Contamination

19

Prior to development works commencing a detailed earthworks strategy/specification will need to be submitted for approval. All works will need to be undertaken in accordance with the earthwork strategy to ensure that any geotechnical and contamination risks will be managed appropriately.

Reason

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

20

Cut and fill earthworks are required at the site so that a development platform can be achieved. These earth works shall be carried out under a Materials Management Plan, written and declared in accordance with the CL:AIRE

Definition of Waste Code of Practice approved by the Environment Agency. This document shall be forwarded to the Local Authority for review and comment.

#### 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.

21

The foundation design shall be in accordance with sections 16.4.1 – 16.7.2 of the above report entitled 'Phase I & II Geo Environmental Report – Kiveton Park, Rotherham – prepared by JNP Group Consulting Engineers, dated March 2021, Revision B, reference B23035-JNP-XX-XX-RP-G-0001 P02'.

#### 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.

22

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

#### Reason

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

23

The site has been identified as a gas characteristic situation 2 and gas protection measures are required for each plot. However, further gas monitoring will be required to determine the ground gassing regime and the level of gas protection measures required when the cut and fill earthworks have been completed, so that an accurate assessment of the ground gassing regime can be achieved. Subject to the findings of the gas monitoring, details of the gas protection measures/membrane to be used along with drawings to

show how the gas membrane will fit into the overall building design shall be forwarded to this Local Authority for review and comment.

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.

24

Installation of the gas protection measures are to be verified to confirm the ventilated sub-floor void and gas membrane meet the required standards. Inspection reports for each plot will be forwarded to the Local Authority for review and comment.

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.

25

If subsoil/topsoil is required to be imported to site for gardens and areas of soft landscaping, then these soils will need to be tested at a rate and frequency in accordance with the site earthworks/remediation strategy to ensure they are free from contamination. The results of which shall be detailed in a site Validation Report.

Reason

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

26

Following completion of any remedial/ground preparation works a Validation Report should be forwarded to the Local Authority for review and comment. The validation report shall include details of any ground works undertaken, to show that the works have been carried out in full accordance with the approved methodology. The site shall not be brought into use until such time as all validation data has been approved by the Local Authority.

Reason

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

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

### Waste Management Plan

27

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

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

The agreed details shall be implemented and thereafter maintained.

### Reason

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

### Communication

28

Prior to first occupation of a dwelling on this site, information relating to the availability of infrastructure to enable the provision of gigabit capable full fibre broadband should be submitted and approved by the LPA. If the necessary infrastructure is available to enable provision, details of measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved, including a timescale for implementation, shall be submitted



to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason**

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

**Highways**

29

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

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

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

The area shall thereafter be maintained in a working condition.

**Reason**

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

30

Construction of roads or dwellings shall not begin until road sections, constructional and drainage details have been submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

**Reason**

No details having been submitted they are reserved for approval.

**Informatives**

01

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

02

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

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

It is noted that a Deer has been spotted roaming on part of the site, Deer are not protected and do not have Biodiversity Action Plan or Priority status. The Roe Deer in the photographs submitted by local residents are common and widespread throughout Britain. Roe Deer do not have any bearing on planning applications but they can be an issue on sites managed for nature conservation, on private estates where shooting is promoted, in Forestry Commission woodlands and plantations, etc. The applicant is advised that all reasonable steps should be provided during the construction phase to ensure the Deer is not affected and it should be suitably relocated.

In the unlikely event that Great Crested Newts are encountered on site during the development works then work should stop and a suitable qualified ecologist and / or Natural England contacted for advice on how to proceed.

03

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

04

The proposed development lies within an area which is likely to contain features of geodiversity interest. In accordance with Policy CS20 'Biodiversity and Geodiversity' of the Adopted Core Strategy, RMBC strongly advises that any excavations into natural ground, superficial deposits and bedrock carried out in the course of development works should be examined by a competent geoscientist so that any features of geodiversity interest that may be present can be recorded. Sheffield Area Geology Trust can advise on geodiversity features that are expected to be present and their documentation and conservation email [sageologytrust@gmail.com](mailto:sageologytrust@gmail.com)

05

The granting of this permission does not override any requirement to provide a turning head for a fire appliance in accordance with any Building Regulations submission.

The applicant / developer is advised that access for fire appliances should comply with the Building Regulations 2010, Approved Document B5 "Access and Facilities for the Fire Service."

South Yorkshire Fire and Rescue is keen to promote the benefits of sprinkler systems to protect lives, property and the environment. As such it is recommended that this is allowed for when determining the water supply requirements for the site.

06

The South Yorkshire Police Architectural Liaison Officer recommends that the development is designed and built to Secured by Design standards. [www.securedbydesign.com](http://www.securedbydesign.com)

07

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

## POSITIVE AND PROACTIVE STATEMENT

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