

**PLANNING REGULATORY BOARD**

**Date:- Thursday 10 June 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 5)  
*(A form is attached and spares will be available at the meeting)*
5. Minutes of the previous meeting held on 29th April, 2021 (Pages 6 - 8)
6. Deferments/Site Visits (information attached) (Pages 9 - 10)
7. Development Proposals (Pages 11 - 112)
8. Updates
9. Date of next meeting - Thursday, 1st July, 2021 at 9.00 a.m.

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

Chair – Councillor Atkin  
Vice-Chair – Councillor Bird  
Councillors Castledine-Dack, Cowan, Elliott, Fisher, Havard, Keenan, Khan, McNeely, Miro,  
Sansome, Tinsley, Wilson and Wooding.

# Planning Regulatory Board 'Public Right To Speak'

## REGISTERING TO SPEAK

## REGISTERING TO SPEAK

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

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

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

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

The agenda is available on line at least 5 days prior to the meeting, and a few copies will be made available at the meeting, so you can read the reported relating to the application which concerns you and see where it comes in the agenda.

The **Council Chamber** is equipped with microphones and a hearing loop.

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.

**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**  
**29th April, 2021**

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

Apologies for absence:- Apologies were received from Councillors D. Cutts, M. Elliott, Steele and Tweed.

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

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

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

**177. MATTERS OF URGENCY**

There were no matters of urgency for consideration.

**178. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**179. MINUTES OF THE PREVIOUS MEETING HELD ON 8TH APRIL, 2021**

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 8<sup>th</sup> April, 2021, be approved as a correct record of the meeting.

**180. DEFERMENTS/SITE VISITS**

There were no site visits recommended.

Application RB2021/0097 - Change of Use to drinking establishment (Use Class Sui Generis) with decking area to front for seating pods at 129 Bawtry Road, Wickersley for The Garrison was withdrawn from the agenda prior to the meeting.

**181. DEVELOPMENT PROPOSALS**

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

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

- Erection of 7 No. dwellinghouses with associated access & landscaping at land rear of 91-95 Worksop Road Aston for Jaguar Estates Ltd (RB2019/0061)

Mr. M. Boyd (on behalf of the Applicant)  
 Mr. M. Bassett (on behalf of Objectors)  
 Mrs. J. Foers (Objector)  
 Mr. E. Foers (Objector)  
 Mrs. J. Shimwell (Objector)  
 Mr. P. Maxfield (Objector)  
 Mrs. A. Ash (Objector)  
 Councillor R. Taylor (Objector)  
 Mr. B. Mears (Objector)

- Demolition of unlisted buildings and erection of 170 no. dwellinghouses and conversion of 4 no. existing buildings to create 27 No. dwellinghouses with associated landscaping and works at former Swinden Technology Centre Moorgate Road Moorgate for Keepmoat Homes (RB2020/1591)

Mr. M. Pruce (on behalf of the Applicant)  
 Mr. R. Schofield (Objector)

(2) That, with regards to application RB2019/0061:-

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

- a commuted sum of £70,000 towards affordable housing in the area.
- Establishment of a Management Company to manage and maintain all communal landscaped/open space areas and woodland buffer zone as shown on the Proposed Layout Plan.

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

(3) That, with regards to application RB2020/1591:-

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

- 8 affordable housing units on site.
- Financial contribution of £98,500 towards sustainable travel measures to support the development.
- Financial contribution of £454,347 towards secondary education provision in the area.

- Financial Contribution of £35,685 towards bus stop improvements at Moorgate Road/ Sitwell Drive – Southbound and Moorgate Road / Sitwell Vale – Northbound.
- Establishment of a Management Company to manage and maintain the areas of Greenspace on site.

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

(c) That further discussion take place with the Applicant with regards to the removal of the trees on the boundary with the Objector.

(Councillors Short and Turner spoke on the first application, resigned and withdrew from the meeting and did not vote)

(Councillor Cowles spoke and voted on the first application and then withdrew from the meeting prior to consideration of the second application)

**182. UPDATES**

The following update information was provided:-

End to Virtual Meetings

The Board noted that the powers given to Councils in April, 2020 arising from Covid-19 pandemic, allowing them to meet and make decisions virtually, would expire on 7th May, 2021.

Preparations were now in hand for the return of face to face meetings at the Town Hall.

**183. DATE OF NEXT MEETING**

Resolved:- That the next meeting of the Planning Board take place on Thursday, 20<sup>th</sup> May, 2021 at 9.00 a.m.

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

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



## **SITE VISITS**

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

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THE 10<sup>TH</sup> JUNE 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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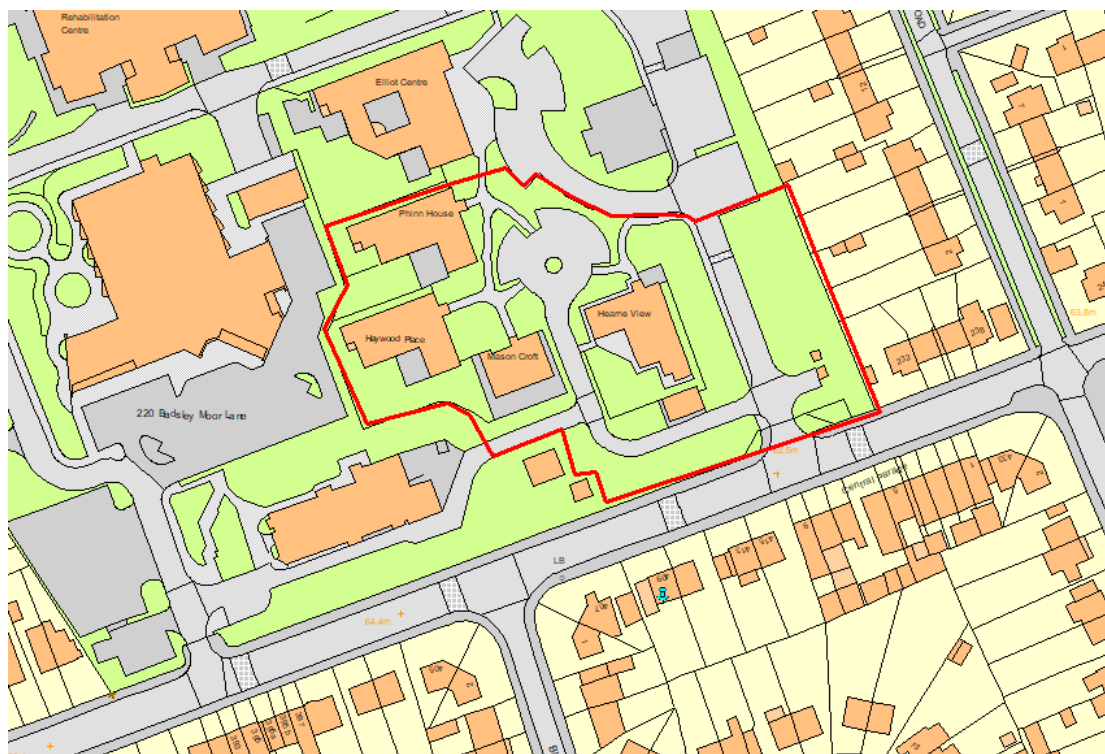
<b>RB2020/1518</b> <b>Demolition of existing Residential Rehabilitation</b> <b>Accommodation and erection of Qdos Careers Hub at land at</b> <b>Badsely Moor Lane Hospital Badsley Moor Lane Clifton for</b> <b>QCH Rotherham Ltd &amp; NHS Property Services Ltd</b>	<b>Pages 11-44</b>
<b>RB2021/0048</b> <b>Erection of 197 No. dwellinghouses &amp; associated works at</b> <b>land off Chapel Way/ Lambrell Avenue Kiveton Park for Strata</b> <b>Homes</b>	<b>Pages 45-99</b>
<b>RB2021/0097</b> <b>Change of Use to drinking establishment (Use Class Sui</b> <b>Generis) with decking area to front for seating pods at 129</b> <b>Bawtry Road Wickersley for The Garrison</b>	<b>Pages 100-111</b>

**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE 10<sup>TH</sup> JUNE 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>RB2020/1518</b> <a href="https://rotherham.planportal.co.uk/?id=RB2020/1518">https://rotherham.planportal.co.uk/?id=RB2020/1518</a>
<b>Proposal and Location</b>	Demolition of existing Residential Rehabilitation Accommodation and erection of Qdos Careers Hub at land at Badsely Moor Lane Hospital Badsley Moor Lane Clifton
<b>Recommendation</b>	Grant Conditionally

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



**Site Description & Location**

The application site forms part of the Badsley Moor Lane Hospital complex which is approximately 0.58ha in size. The site is currently occupied by four single storey buildings arranged around a central car park. They used to provide residential rehabilitation accommodation in connection with the surrounding hospital site but are no longer required. The site is being disposed of by the NHS.

Badsley Moor Lane Hospital continues to provide a wide range of inpatient and outpatient health services including: The Park Rehabilitation Centre, Breathing Space Respiratory Clinic, and Rotherham Community Learning Disabilities Service.

The site contains 17 individual trees and 4 groups of trees.

### **Background**

RB2005/1858 - Erection of a three storey building to be used as a respite care centre – granted 08/12/2005

RB2002/1001 - Building to house a generator room and a building to house a boiler room in relation to the previously approved PLD unit – granted 20/08/2002

RB2001/1690 - Erection of unit for persons with learning disabilities comprising central resource/day unit, 4 bungalows for assessment/treatment/rehabilitation purposes and extension and alterations to existing office building (amendment to RB2001/0130) – granted 31/01/02

RB2001/0130 - Erection of new mental health unit comprising four wards, a day centre and an outpatient department – granted 05/07/2001

RB1999/0988 - Outline application for residential development –withdrawn 15/05/2000

RB1995/1087 - Extension to existing offices to provide new office accommodation and additional car parking – 30/10/1995

### **Proposal**

The application seeks full planning permission for the demolition of an existing residential rehabilitation accommodation on site and the construction of a new Careers Hub which would be Use Class D1 which under the new Use Class Order would be F1(a). The Careers Hub is a new concept which will provide the young people of Rotherham and surrounding areas with expert impartial career guidance, and support them to make informed, aspirational career and future study choices.

Career Hubs align activities to the National Curriculum, notably personal development, behaviour and welfare, and the careers of today and tomorrow. The Career Hub will provide a modern centralised facility to provide careers education and guidance to approx. 20,000 in the 25-secondary school /college pupils within a 40 minute drive time catchment area. The Hub will have a daily capacity for approx. 150 pupils who will be transported by bus/coach to the Hub from their schools/colleges each day.

The application would see the demolition of 4 single storey buildings and the erection of one new building with a floor area of 1165sqm spread over 2 floors. The building is proposed to be 40m long, 15m wide with two smaller

wings on the western and eastern elevations and would be 19.6m to the ridge of the building. The accommodation would include a large double height hall with break out areas, meeting rooms, café, offices perception, plant room, and toilets. The building will be located to the west of the access road there are some car parking spaces with the remainder being kept as grassed amenity area to provide a buffer to the housing. There is also a biomass boiler proposed, as well as a bin and bike store.

the Hub building is orientated north / south within the site and is of a contemporary design making extensive use of glass and a selection of modern cladding materials. It will be constructed using a steel frame and will be clad with glass curtain walling and dark contemporary cladding materials on the main mass of the building and contrasting light coloured cladding on the wings.

The proposal would provide for 22 car parking spaces and a cycle store as well as a HGV loading bay and coach drop off point for pupils.

Access to the site is proposed off Badsley Moor Lane, which is currently used as the site egress, this will be widened to allow for two way traffic, the existing access to the east will remain for access purposes only. The proposal involves the loss of six trees which are categorised as Category A trees; two Category B trees and numerous Category C trees to facilitate the development.

The following documents were submitted in support of the application

### Planning Statement

This looks at the relevant planning considerations relevant to the application. It concludes that the proposed development is a new type of community facility aimed at meeting current a future careers education needs in a more effective and innovative way. The Careers Hub development is the first of a large number of such facilities proposed throughout the UK and will make use of an accessible, previously developed site within the Rotherham conurbation. It will serve at least 25 schools and colleges and help deliver much higher standards of careers education and development with the aim of achieving all 8 of the Gatsby standards. In doing so this will help boost local skill and employment levels in both Rotherham Borough and the Sheffield City Regions as a whole.

The application site is already in use for a range of community facilities (predominantly health related) and is allocated for Community Facilities under Policy 62 of the adopted Local Plan. The development is attractive, modern and well designed. It is sensitive to its context and surrounding uses, will not give rise to any noticeable harm, and will satisfy all relevant development management Local Plan policies. it is a sustainable form of development and in line with guidance in NPPF planning permission should therefore be granted without delay.

## Design and Access Statement

The document addresses how the buildings have been designed, and how they are proposed to be accessed.

## Transport Assessment

The Transport Assessment considers the development in transport and highways terms to provide the necessary reassurance that the proposals can be accommodated by the local transport network.

The document concludes that it is demonstrated that the site is in an accessible location with access to sustainable transport modes in accordance with the NPPF, and that the traffic generated as a result of the development proposal would not be material.

## Tree Survey

This document notes that the site has a varied tree cover comprised of Common Lime, Holly, London Plane, Hornbeam, Copper Beech, Himalayan Birch, Red Oak and Goat Willow. It found a total of 21 items of vegetation (17 individual trees and 4 groups of trees). Of these, 10 trees and 2 groups were identified as retention category 'A', 2 trees were identified as retention category 'B' and 5 trees and 2 groups were identified as retention category 'C'. The trees were generally found to be in a good structural and physiological condition, as such no tree removals or remedial works are required for those trees which are the subject of this report.

However, in relation to the proposed development the Arboricultural Implications Plan proposed the removal of 6 Category 'A' Trees, 2 Category 'B' Trees and 5 Category 'C' Trees.

A Tree Planting Scheme has also been submitted which shows that 35 Trees are proposed to be planted as mitigation for the loss of the 11 existing trees to be removed.

## Ecology Survey

The Ecology Survey recommends that -

- Two bat surveys are required to determine the presence/absence of bats are roosting within the buildings.
- If vegetation is to be removed during the bird breeding period, then a Nesting Bird Survey will be required.
- To enhance the proposed development faunal boxes for bats and birds must be incorporated into the development plans along with hedgehog holes put into any fencing proposed on site.
- Lighting must be in line with the Institute of Lighting Professionals (ILP 2018) for wildlife.
- Dense bramble will need to be hand searched during hedgehog breeding period to ensure there are no nesting hedgehogs. Hedgehog holes 13 x 13cm will be required in any solid fencing or walls been put on site.

- The planting of vegetation on site must be native, pollen and nectar rich with berries and seeds to encourage birds and invertebrates onto site.

#### Drainage Details

An outline drainage Strategy was submitted with the application which noted that the site is within Flood Zone 1 on the Environment Agency Flooding Map which identifies it as having a low probability of flooding.

Additional drainage details have also been submitted at the request of the Local Planning Authority.

#### Land Contamination Report

The report recommends that a suitable combined phase II environmental and geotechnical site investigation is carried out at the site to establish the presence of any contamination at the site, and to identify the ground conditions and provide details of their engineering properties in order to facilitate foundation design for the proposed development.

#### **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 (adopted on 27<sup>th</sup> June 2018).

The application site is allocated for Community Facilities within the adopted Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policies –

CS3 Location of New Development  
CS10 Improving Skills and Employment Opportunities  
CS14 Accessible Places and Managing Demand for Travel  
CS19 Green Infrastructure  
CS20 Biodiversity and Geodiversity  
CS21 Landscape  
CS24 Conserving and Enhancing the Water Environment  
CS25 Dealing with Flood Risk  
CS26 Minerals  
CS27 Community Health and Safety  
CS28 Sustainable Design  
CS29 Community and Social Facilities  
CS30 Low Carbon and Renewable Energy Generation  
SP26 Sustainable Transport for Development  
SP32 Green Infrastructure and Landscape  
SP33 Conserving and Enhancing the Natural Environment  
SP47 Understanding and Managing Flood Risk drainage  
SP52 Pollution Control  
SP54 Contaminated and Unstable Land  
SP55 Design Principles

SP56 Car Parking Layout  
SP57 Sustainable Construction  
SP61 Telecommunications  
SP62 Safeguarding Community Facilities

Joint Waste Core Strategy  
WC27 Managing Waste in all Development

SPD2 Air Quality & Emissions (June 2020)

### **Other Material Considerations**

Council's Car Parking Standards

National Planning Practice Guidance (NPPG)

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

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

### **Publicity**

The original application was advertised in the press and letters were sent to 20 nearby properties. 6 objections have been received on the following grounds –

- Reassurance is required that the new owner will look at the brick boundary wall as it is unsafe due to the lack of maintenance of the trees.
- Properties on Western Road are lower than the site has this been taken into account with drainage as previously after large amounts of rain the sewers have failed and it has drained onto rear gardens.
- Houses beyond the Hospital and allotments on Eastwood Mount are regularly subject to significant flooding of our cellars and houses have rising damp.
- The proposal could cause further flooding and decrease house values.
- Increased hardstanding areas at hospital site led to increase surface water run off, this will make it worse and increase the surface run off water further
- The houses nearby are not in a flood area.
- The drainage details for the adjacent sites cannot be found so how can a factual assessment relating to the proposal be undertaken.
- Residents health is impacted by the inadequate drainage from the existing site the new development could further impact health.



- The impact on the remaining NHS buildings, particularly through the development phase, as adjacent buildings are used to treat people with breathing difficulties, so dust will be an issue.
- What will be put in place to allow existing services to exit the site during the works?

One neighbour has requested the Right to Speak at the Planning Board meeting.

### **Consultations**

RMBC - Transportation and Highways Design – No objection subject to relevant conditions

RMBC - Tree Service Manager – welcomes the submission of the amended planting scheme, however still raises concerns regarding the loss of Category A and B trees within the site, which will lead to some short term loss of amenity.

RMBC - Landscape Design – No objections Subject to conditions

RMBC – Drainage – No objections subject to relevant conditions

RMBC – Ecologist – No objections subject to recommended conditions

RMBC - Environmental Health – No objections subject to recommended conditions

RMBC - Land Contamination – No objection subject to recommended conditions

Yorkshire Water – No objections subject to recommended conditions.

### **Appraisal**

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

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

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

The main considerations in the determination of the application are:

- The principle of the development
- Transportation issues and access
- Design layout and scale
- Drainage and flood risk issues
- Landscape and trees
- Ecology
- General amenity issues
- Impact on existing residents
- Telecommunications

The principle of the development

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

*The Council will seek to enable provision through a variety of local authority, private sector and local community partnerships, wherever appropriate, and support the co-location of community and social facilities wherever feasible."*

Policy SP62 'Safeguarding Community Facilities' states in part that *"Those areas allocated on the Policies Map for Community Facilities will be retained or developed for such purposes. In addition, land or buildings currently used or last used for community purposes, including sport and recreational facilities but not identified as such on the Policies Map will be similarly safeguarded....."*

In this regard the proposal is to replace existing rehabilitation accommodation deemed to be surplus to requirements with a facility for providing careers advice and guidance to young people. This would be a regional hub serving an approximately 40 minute drive time. This is supported by Policy CS10 Improving Skills and Employment Opportunities, which indicates that the Council will work with its partners to improve skills in all of Rotherham's communities through the promotion of access to training, education and local employment opportunities.

Policy CS29 Community and Social Facilities supports the retention, provision and enhancement of a range of community and social facilities in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's communities; particularly in areas of housing growth or identified deficiency. Policy SP62 Safeguarding Community Facilities goes on to clarify that those areas allocated on the Policies Map for Community Facilities will be retained or developed for such purposes.

The applicant notes that the proposed use falls within the definition of community facilities, and this is accepted by the Local Planning Authority. The definition of community facilities at paragraph 5.7.31 of the Core Strategy includes education facilities, and it is considered that the development proposed can be considered an educational community use, which will have benefits for Rotherham residents in supporting the development of young people. As the application has been assessed to be a F1(a) use it is considered that a condition should be attached to any permission to ensure that the building is used for the use sought.

Whilst the proposal involves the provision of a café however this to provide catering to visitors and does not appear to be for the use of the public. As such it is considered to be ancillary to the main use of the building and as such would not require the submission of sequential test evidence normally required by Policy CS12.

Whilst the proposal will involve the loss of existing facilities associated with the hospital use (which the applicant indicates are deemed surplus to requirements), the proposal to replace these with an alternative community use will comply with Policies CS29 and SP62.

#### Transportation issues and access

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

*"d. Set thresholds where existing and future employers and institutions will need to adopt Travel Plans or Area Travel Plans as part of a programme of sustainable transport promotion.*

*e. The use of maximum parking standards for non-residential developments aimed at reducing the number of car trips to and from them.*

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

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

*a. As a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;*

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

- c. *the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;*
- d. *schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access;*

*The Council expects that other measures to increase and encourage sustainable travel and movement habits through travel plan incentives, such as: bus service enhancements, bus priority schemes, improved or additional bus services, better information and subsidised ticketing, multi modal multi operator, cross boundary travel, are provided. Improvements to existing and new infrastructure, ensuring that any public transport stops are easily accessible by active means, and that opportunities to further enhance walking, cycling and appropriate measures to promote inclusive access, will be sought as appropriate."*

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

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

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

The application is supported by a Transport Assessment which have been assessed by the Transportation Officer. They have commented that the amended layout plan has reduced the number of car parking spaces and the internal private road has been made narrower so as to discourage cars accessing the NHS facility from the altered access. The applicant's agent has also confirmed that coach drop offs will be staggered and that there will only be three.

A representation has been received from the occupiers of the remaining NHS buildings and they have asked that during the works on widening the existing exit from site, what arrangements will be put in place to allow existing services to exit Site as required? In this respect the Councils Transportation Officer

has noted that this issue of access/egress would be managed by the developer who would need to ensure that access is available at all times.

Therefore it is considered that the development will not have an unacceptable impact on highway safety, and accordingly, the proposal is considered to accord with the requirements of the relevant Local Plan policies the NPPF and is acceptable in highway/transport terms.

Supplementary Planning Document No. 2 Air Quality and Emissions was adopted in June 2020 and requires that such a development shall provide vehicle charging point infrastructure (cabling routes) to serve every car parking space and a minimum of 20% of parking spaces to have charging points. The exact number, specification, location and maintenance schedule for electric vehicle recharge infrastructure can be secured via a condition.

### Design, layout and scale

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

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

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

Policy SP57 'Sustainable Construction' states in part that *"to enable a high quality, functional and sustainable design to be clearly embedded in future development, proposals will need to be designed to withstand and adapt to the predicted impacts of climate change. The evidence supporting the planning application should be proportionate to the scale of the development and:*

- a. identify how recycled materials will be used during construction unless it can be demonstrated that it would not be technically feasible or financially viable or the nature of the development requires appropriate use of local materials;*
- b. meet the relevant BREEAM 'very good' standards or better for non-residential buildings over 1,000 square metres unless it can be demonstrated that it would not be technically feasible or financially viable;*
- c. demonstrate how the installation of integrated renewable and low carbon energy technologies in new and existing non-residential developments, in order to off-set CO2 emissions and mitigate the impacts of climate change, has been assessed and included within the development unless it can be demonstrated that it would not be technically feasible or financially viable. These could include (but are not limited to):*
  - i. solar thermal*
  - ii. solar photovoltaic*
  - iii. biomass boilers*
  - iv. ground source heat pump v. wind turbines*
  - vi. combined heat and power schemes & associated infrastructure"*

The design of the building is contemporary with a significant amount of glazing and curtain walling. Whilst the design is not in keeping with the traditional buildings around the site due to its modern design it is considered to be high quality and also has a high quality public realm area which will be a significant improvement on the existing site appearance and provide a development which is visually attractive.

The proposal involves the demolition of four single storey buildings which have very little architectural merit and replace with one larger building situated to the north of the site. The layout includes car parking and significant landscaped areas with tree planting. Whilst the mass of the proposed new building is more prominent on site than the previous buildings, the high-quality design materials and location within the site are considered appropriate and will lead to a significant visual improvement in the locality.

In relation to sustainable construction the submitted planning statement notes that the building would be modern and energy efficient minimising waste and pollution, is adapted to climate change and promotes the move to a low carbon economy. In this respect a condition should be attached requiring the submission of a Waste Management Plan. The proposal also includes the provision of a biomass boiler. Due to the size of the building a condition should be attached to ensure that the development meets BREEAM 'very good' standards or better unless it can be demonstrated that it would not be technically feasible or financially viable.

It is therefore considered that the proposal complied with policies CS28 and SP55.

Drainage and Flood Risk issues

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

*"Proposals will be supported which:*

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

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

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

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

*Major developments of more than 10 dwellings, or more than 1,000 square metres of floorspace should comply with Defra Sustainable Drainage Systems Non-statutory Technical Standards for Sustainable Drainage Systems (March 2015) and the South Yorkshire Interim Local Standards for Sustainable Drainage Systems (May 2015), or any future documents which supersede them.”*

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

The applicant was supported by drainage details which confirm that the site is within Flood Zone 1 as shown on the Environment Agency maps, meaning that it is very unlikely to flood.

There have been objections raised in relation of flooding from surface and foul water, and local residents have commented that they already encounter significant flooding in cellars and have rising damp, and that the proposal will cause further flooding. They consider that this new development could further impact on the health of residents who are already impacted by flooding.

In response to the specific objections raised in relation to drainage and flooding issues by local residents the Councils Drainage Engineer has confirmed that the site is brownfield and the Council policy is to reduce runoff by 30% from previously developed sites.

It is noted that discharge of both foul and surface water is to the Yorkshire Water public sewer and there is not sufficient capacity to accept this, and as a result the flow from the new building and car park will be limited to the minimum practical discharge limit and an attenuation tank with a volume of 150m<sup>3</sup> will be provided to store the additional runoff and release to the sewer at the restricted rate.

In relation to flooding issues, the Councils Drainage Engineer has noted that there will be a net small reduction in flood risk downstream, due to the discharge rate to the sewer being reduced. This alone will not be sufficient to significantly reduce the existing downstream flood risk, with flows as most runoff comes from elsewhere in the catchment, but the reduction in runoff rate is greater than would normally be achieved for the redevelopment of a brownfield site.

The Council's Drainage Engineer is satisfied that the site can be properly drained without any significant adverse effects on the locality, and that the development would have no effect on the existing flooding issues at local properties on Western Road and Eastwood Mount. He has assessed the application and raised no objections in terms of flood risk or other drainage



matters and has recommended a condition is attached to any permission requiring the submission of the detailed drainage design.

Yorkshire Water have also been consulted on the application and raise no objections subject to a condition requiring detailed drainage plans.

It is therefore considered acceptable from a drainage and flood risk point of view and is in accordance with the relevant Local Plan policies and the NPPF.

### Landscape and Trees

Policy CS19 'Green Infrastructure', states in part that *"Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below:*

- b) Avoiding damage to or loss of Green Infrastructure assets. Where loss is unavoidable and the benefits of the development outweigh the loss, appropriate mitigation and compensation measures, should be included as part of development proposals."*

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

Policy SP32 'Green Infrastructure and Landscape' goes on to state in part that: *"The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development and to meeting needs of future occupants and users."* Such an approach accords with relevant policies and guidance in the Core Strategy and the NPPF.

In relation to Landscapes the applicant has submitted an amended Landscape Plan which demonstrates appropriate proposals for mitigation for the loss of existing trees and other planting. This revised tree planting scheme is also considered acceptable in landscape terms. A condition to secure appropriate planting is recommended.

With regard to trees on the site the Council's Tree Service Manager raises significant concerns about the loss of high quality Category A and B trees on site. He notes that "

- *when using the BS:5837 system of categorising trees, the developer's own arboriculturist has classified 6 of the trees identified for removal as being of the highest quality (Category A). Such trees are recognised as*

*being particularly worthy of retention, with an estimated life span of at least 40 years and that efforts should be made to design schemes around them.*

- No evidence of attempting to redesign the scheme to reduce the impact has been presented, with the design and access statement just showing one iteration of the proposal.*
- A further 2 trees identified for removal are identified as Category B, noted as also worthy of retention and with a life span of at least 20 years. In addition, numerous Category C trees are identified for removal.*
- The cumulative worth of the A and B category trees, when assessed using CAVAT, is significant, standing at £133,280. This represents their high quality. Their removal would signify a substantial loss of amenity and ecosystem benefits to the associated area. “*

*Furthermore the Tree Service manger notes that “Nothing has been provided to show why the scheme can be altered to go into other areas of the site and retain £105k of high-quality trees.”*

*In relation to mitigation planting after negotiations the applicant has proposed the replanting of 35 semi-mature trees. The Tree Service Manager considers that “this planting scheme has the potential at maturity of providing a tree landscape that will provide diversity of species and should not impact on the site or neighbouring properties negatively. The planting will give an estimated maximum CAVAT value of £18,000 upon planting leaving a deficit of £115,280. Given the qualitative improvements of the proposed planting scheme the Tree Service reduced the deficit of lost amenity down to £40,000.”*

*Therefore the applicant was requested to either relocate the building on the site to retain more of the existing trees or enter into a S106 Legal Agreement to contribute £40,000 so that lost trees related amenity can be replaced in the local area through new tree planting.*

*The applicant responded stating that “ they have examined the suggestion by the arborist that the scheme could be accommodated within a revised site area based on the existing pattern of built development , and therefore have less impact on existing trees. However, the area suggested simply does work from either a design or a practical/operational perspective. One may be able to accommodate the new building in this area but it is difficult and its resulting relationship to the other nearby development and Badsley Lane would be poor. Furthermore the shape of the suggested site does not leave sufficient usable space to accommodate the required standard of associated access, car parking, servicing area, and the vehicle turning / manoeuvring space to ensure the development would work effectively on a day to day basis. As a result we think the scheme, as submitted, is very well suited to the site and its context and cannot comply with the request to completely redesign the scheme just to take account of the trees.*

*Turning to the demand for a £40,000 commuted sum we would also resist such a demand as being unnecessary and disproportionate. The arborist in his comment's states that "the new landscaping is an excellent scheme". It will have significant benefit in terms of improved amenity/ views for nearby residents and will enhance views into the site from Badsley Lane. As such we believe it is, by any conventional metric, sufficient to mitigate the loss of a small number of existing trees on site and the request for such a large commuted sum would appear to be aimed at securing betterment . As such the request contravenes well established planning guidance on the use of conditions and S106 agreements. The requirement for such a large sum also calls into question the viability of the development."*

With this unwillingness in mind, as noted above in the report the application is for an educational community use which would have a significant community benefit. Therefore a further option was put to the applicant, and they were requested to enter into a S106 Legal Agreement so that if a proposal change the use of the property into a commercial activity within 20 years, a sum of £40000 would be payable before such use was commenced. Again, the applicant responded stating that *"The applicant has been working with the Council and local community on this proposal for well over a year and have received unanimous support for what they are trying to achieve. The proposed Rotherham QCH is first of over 160 QCH's that are being planned throughout the UK and what happens in Rotherham will set a precedent for future applications elsewhere in the Country. For this roll-out to be successful it is essential that each site benefits from a 'clean' planning consent unencumbered by S106's or other constraints that might prejudice future investment in other QCH's and the attendant educational social and economic benefits that each will bring to its environs."*

*The QCH concept is a community and educationally inspired project that the applicant wholeheartedly wants to see succeed and this is reflected in the fact that the applicant will be revenue funding the operation of each QCH for the first two years. The applicant is also fully committed to a high quality form of development as evidenced by the modern and attractive design of the QCH building itself and their commitment in this instance to plant more than 35 semi mature trees on-site, as well as other landscaping, whose ecological and amenity value will in time far exceed the amenity value of those trees currently on site".*

Having taken this and the matters before it into consideration, the proposal represents the provision of a new community facility, which would benefit the wider Rotherham population. Accordingly, when weighed against the wider value to Rotherham, in this particular instance, it is considered that this educational community value would outweigh the short term loss of the trees and subsequent amenity, as over time the newly planted trees will reach maturity and such harm will have diminished. Therefore, on balance it is considered that the shortfall in mitigation is accepted to allow the construction of a new community facility which would benefit the wider community of the Borough. In this respect it is recommended that a condition is attached to any permission to ensure that the building is used for the educational use

proposed, and that it cannot be changed to any other use without the need to apply for planning permission. At such time, should the use represent a commercially viable operation and before the new trees reach maturity, a scheme for further planting on or off site could be considered further.

### Ecology and Biodiversity issues

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

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

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

*1990) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;"*

An Ecology Survey was submitted with the application which concludes that the site contains habitats of low to moderate ecological value. It states that there is moderate potential for supporting foraging, commuting and roosting bats, and proposes the erection of bat and bird boxes and the provision of hedgehog holes in any solid fencing.

The Council's Ecologist has assessed the application and considers that the buildings are likely to be of low potential for roosting bats given their location in a built-up area, their modern construction, the lack of nearby suitable foraging habitat, etc. It is recommended that a condition is attached to any permission to require the provision of bat and bird boxes on the application site.

The proposal is therefore considered to be acceptable in terms of Ecology and Biodiversity, with conditions to be attached to any permission, and therefore complies with the relevant Local Plan policies and guidance in the NPPF.

## General Amenity Issues

Policy CS27 'Community Health and Safety' states, in part, that: *"Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities. Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality."*

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

- 1990. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.*
- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.*
- c. the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality Management Areas and meeting the aims and objectives of the Air Quality Action Plan.*
- d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.*
- e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals."*

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

- 1990. demonstrate there is no significant harm, or risk of significant harm,*
- to human health or the environment or of pollution of any watercourse or ground water;*
- b. ensure necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;*

- c. demonstrate that adverse ground conditions have been properly identified and safely treated;*
- d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use.”*

The proposed use is not considered to raise any issues in relation to its operational phase however the Environmental Health Officer has noted that as it is close to residential properties the demolition and construction of the proposed development could create environmental nuisance, and as such 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.

Additionally, a representation has been received from the Rotherham NHS Foundation who state that whilst they are generally supportive they have concerns about the impact of the construction of the development on the local community. The nearby Breathing Space treats people with breathing difficulties, and so will any additional measures be put into place to reduce dust during demolition to protect patients.

Therefore it is considered appropriate to attach a condition requiring the submission of a Construction Management Plan, although it is acknowledged that it will not be possible to redevelop the site without some impact on neighbouring residents and the existing NHS users by way of noise, dust and general disturbance.

The Councils Land Contamination Officer has also assessed the Site Investigation details submitted as part of the application, and notes that the historically the site comprised agricultural land from 1854, until an Isolation Hospital was located in the south eastern area of the site. A major hospital redevelopment then occurred in the early 1960's with demolition of some buildings taking place and the erection of a larger main hospital building, of which the application site formed the south eastern portion. Extensions occurred in the 1980's and 1990's. By 1999 this building and the majority of other buildings were demolished prior to the construction of the current site buildings used as residential care homes in the 2000's.

Based on the past uses of the site it is considered there may be some potential for contamination to exist within the surface soils and natural ground therefore it is considered there may be a risk to human health from contamination at the site. For this reason, site intrusive investigation works should be undertaken to assess for the presence and extent of contamination along with the risks posed by ground gases. Remediation works may be required to bring the site to a suitable condition to be protective of human health for its proposed commercial end use.

Additionally, the geology at the site comprises of the Pennine Middle Coal Measures. This stratum is indicated to contain a north to south trending outcrop of marine and coal beds adjacent to the site. Faulting is also indicated to be present in a north east to south west direction in the northern

section of the site. Site intrusive investigation works will also need to be undertaken to establish the presence or otherwise of any former shallow coal seams and subsequent workings beneath the site.

#### Impact on existing residents

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

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

The building is proposed to be located 33m away from the boundary with residential properties along Western Road, which have long rear gardens at approximately 25m. Therefore, as the building is set such a distance from the existing residential properties, well over 50m away, it is unlikely to have any significant adverse impacts on the residential amenity of the occupants in terms of overlooking, loss of privacy or being overbearing. The proposal is therefore acceptable in this respect.

#### Telecommunications

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

In this respect 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.

#### **Conclusion**

The site is allocated for Community Use, and as such the use is in compliance with policies in the Local Plan. The proposal is not considered to raise any adverse highway implications and is appropriate in this regard. The design of the building is proposed to be of a high quality which will be beneficial to the locality, and along with the proposed use would not have any significant impacts on local residents and surrounding uses. Whilst objections have been received regarding flooding these issues appear to be existing and it is not considered that the proposed development would make this existing situation any worse.

The loss of trees and their amenity from the site is a significant issue for the local area in the short term, however as detailed above the proposal would offer significant education and community benefits to the wider population of

Rotherham, and as such, on balance, the short term loss is accepted as within time as the proposed tree planting will mature and the loss will diminish.

It is therefore recommended that planning permission be granted subject to the following conditions.

### **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 05, 14, 15, 16, 25 & 26 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.

ii. The details required under condition numbers 05, 14, 15, 16, 25 & 26 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

### **GENERAL**

01

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

Reason

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

02

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

- Location Plan 1083\_QCH100
- Proposed Site Plan 1083\_QCH103 Rev
- Demolition Plan 1083\_QCH102
- Way Finding 1083\_QCH106 Rev A
- Proposed Ground Floor Plan 1083\_QCH200
- Proposed First Floor Plan 1083\_QCH201



- Proposed Roof Plan 1083\_QCH202 Rev A
- Proposed Elevations 1083\_QCH210
- Proposed Elevations 1083\_QCH211
- Proposed Elevations 1083\_QCH212 Rev B
- Proposed Sections 1083\_QCH220
- Landscape Masterplan 3351 101 Rev A
- Preliminary Finished Levels AMA/20780/DR/103 Rev A

Reason

To define the permission and for the avoidance of doubt.

03

No above ground development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is brought into use.

Reason

In the interests of the visual amenity of the area and in accordance with

04

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

Reason

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

05

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

- the location of the site compound and staff parking;
- measures to deal with dust, specifically in relation to the adjacent NHS buildings;
- measures to deal with mud in the highway;
- details of proposed hours of construction on/deliveries to the site;

and such further matters as the Local Planning Authority may consider necessary.

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of residential amenity and that of surrounding NHS buildings/users.

06

The building hereby approved shall be used for educational purposes falling within Use Class F1(a) only and for no other purpose (including any other purpose in Class F1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987).

Reason

The application has been assessed on that basis of the specific use class and as such other uses may not be considered appropriate.

Transportation

07

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

08

Before the development is brought into use the car parking area shown on the approved plan shall be provided, marked out and thereafter maintained for car parking.

Reason

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

09

A detailed scheme to provide electric vehicle charging point infrastructure (cabling routes) to serve every car parking space and the provision of charging points for a minimum of 20% of car parking spaces in accordance with Supplementary Planning Document 2 'Air Quality and Emissions' shall be submitted and approved by the Local Planning Authority. The approved details shall be implemented on site before the building is brought into use.

Reason

In order to promote sustainable transport choices.

#### Drainage

10

Above ground development shall not begin until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. During construction, if the approved scheme has not been implemented, temporary arrangements shall be put in place to limit surface water runoff to the agreed discharge rate. The scheme to be submitted shall demonstrate:

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

Reason

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

11

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;

- evidence of existing positive drainage to public sewer and the current points of connection; and
- the means of restricting the discharge to public sewer to a maximum rate of 3.5 litres per second.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage

12

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason

In the interest of satisfactory and sustainable drainage

Ecology

13

Details of the number, style and location of bird and bat boxes to be located within

The site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within the development.

Reason

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

Environmental

14

Prior to development commencing a Phase II Intrusive Site Investigation should be undertaken in accordance with the recommendations made within sections 7.6.4 to 7.6.7, 8.21 to 8.2.3. and 8.3.11. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason

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

15

Prior to development commencing a UXO survey will need to be undertaken to assess for any potential buried items of land service ammunition. The investigation must be undertaken by competent persons and a written report of the findings shall be submitted and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, 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.

16

Subject to 14 above and prior to development commencing, a Remediation Method Statement shall be submitted and approved in writing by the Local Planning Authority prior to any remediation works commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, 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.

17

In the event that gas protection measures are required then details of the gas protection measures/membrane to be installed, complete with drawings to show how the membrane will fit into the overall building design and how it will be validated following installation, shall be submitted and approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, 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.

18

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 Planning Authority. Works thereafter shall be carried out in accordance with an approved Method Statement.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, 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.

19

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, 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

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimized, 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 building shall be designed and constructed to achieve BREEAM Very Good rating as a minimum unless it can be demonstrated that it would not be technically feasible or financially viable.

Reason

To achieve a sustainable form of development in accordance with the Local Plan.

22

Before the development is brought into use a Waste Management Plan shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented on site.

Reason

To ensure that Waste is managed at the site in line with Local Plan Policies

Telecommunications

23

Before the development is brought into use 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

Landscape and Trees

24

Prior to first occupation of the development, a revised landscape scheme shall be

prepared and submitted to bring it in line with the Tree Mitigation Planting scheme

contained within JCA document Ref 16085-F/AJB dated 12th May 2021 Appendix 1.

This shall include:

- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations for the lifetime of the development.
- Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

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

#### Reason

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

25

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

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

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



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

\*Using the most recent revision the of the Standard

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

## Reason

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

26

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

A tree monitoring program to include:

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

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

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

Reason

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

27

A suitable scheme of proposed tree planting and pits shall be submitted to and approved by the Local Planning Authority prior to the first use of the development hereby approved. The scheme shall include the following comprehensive details of all trees to be planted:

- Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.
- Locations of all proposed species.
- Comprehensive details of ground/tree pit preparation to include:
  - Plans detailing adequate soil volume provision to allow the tree to grow to maturity
  - Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future
  - Staking/tying method(s).
  - Five year post planting maintenance and inspection schedule.

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

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

Reason

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

## **Infomatives**

01

### **Wildlife Legislation**

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

02

### **Nesting bird**

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

03

### **Hedgehogs**

Holes in fencing should be provided for hedgehogs which roam gardens at night.

Ideally these should be 13 x 13cm which is too small for most pets to squeeze through.

04

### **Construction Hours**

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.

05

### **Yorkshire Water**

- The drainage details submitted on drawing AMA/20780/DR/104 (revision A) dated 17/02/2021 prepared by Andrew Mosley Associates require amendments, but if planning permission is granted, the matter can be dealt with via condition. The following point should be addressed:
- evidence should be submitted to show that other (than discharge to public sewer) means of surface water disposal have been considered and why they have been discounted

The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

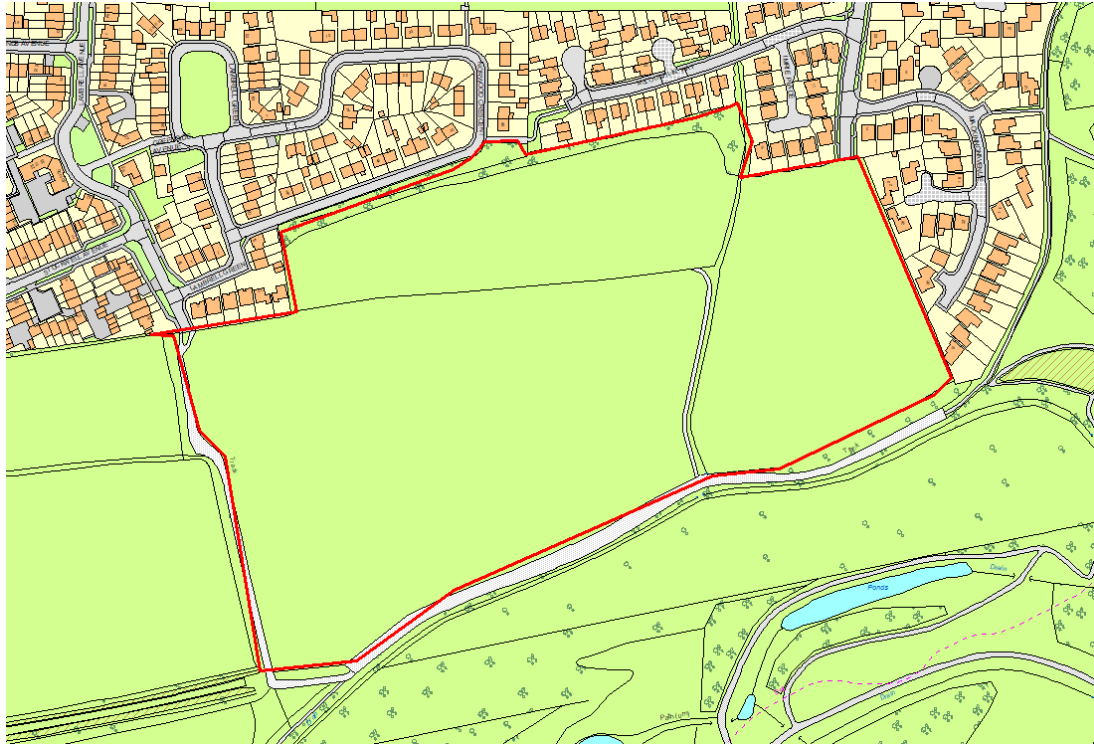
As a last resort surface water may discharge to the public network restricted to a rate of not greater than 3.5 litres per second.

### **POSITIVE AND PROACTIVE STATEMENT**

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

<b>Application Number</b>	<b>RB2021/0048</b> <a href="https://rotherham.planportal.co.uk/?id=RB2021/0048">https://rotherham.planportal.co.uk/?id=RB2021/0048</a>
<b>Proposal and Location</b>	Erection of 197no. dwellinghouses 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 in excess of 5 objections have been received.



### 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

## **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, access and associated works.

The number of units proposed has increased by 1 since the original plans were submitted. This has come about as a result of the consultee comments received from the highways officer. The removal of the turning head adjacent to what was originally Plot 149 allowed for an additional plot without eating into or reducing the amount of open space previously proposed. Furthermore, what was previously a three unit terraced block (previously Plot 150-152) is now two blocks of semi-detached dwellings (plots 81-84).

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 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.

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.

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.

#### 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 geoenvironmental 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 asvthose 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.

## 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.

#### 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 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).

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

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

National Planning Practice Guidance (NPPG)

National Design Guide

South Yorkshire Residential Design Guide

Council's Car Parking Standards

RMBC Adopted Supplementary Planning Documents:

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

RMBC Draft Supplementary Planning Documents

- 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. 113 letters of representation from individual addresses have been received, including 1 from the Local MP. The issues raised by the residents are summarised below:

- The three storey dwellings built behind my two storey house will adversely affect myself and my neighbours.
- The area is already becoming too full for the rural setting it is supposed to be.

- Local estate roads are too busy currently and not wide enough to cope with the extra traffic from this development.
- 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 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.
- When McLoughlin Way was developed we were informed they would not be building on this land as it's a flood plain.
- Wild deer are regularly seen on the site and the site is home to other wildlife, including bats.
- The site has a number of hedgerows and trees which are havens for wildlife and nesting birds.
- The development would have a significant environmental impact and would ruin local areas of beauty.
- The greenery and woodland would be destroyed and there is suitable brownfield land elsewhere.
- The area is already suffering with overdevelopment.
- This is an area where people walk and it will be lost.
- There are natural springs running under the site which is evident in the far right hand corner with the amount of water running out of the site.
- 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.
- The area needs investment in amenities, not more houses adding to the problem.
- Why do most of the trees adjacent to my property have be removed next to the watercourse.
- A pumping station is to be built on the proposed new development near to existing and new properties. What is its purpose and have noise levels been taken into account in respect of impact on the local area?
- We have established beautiful pathways and enjoy the outdoors. To build on some of this land would force runners, cyclists, walkers and families to travel further to neighbouring woodland to access outdoor space. The view of the Greenland will be replaced by ugly housing and wildlife killed.
- There is a whole list of brownfield sites that are currently undeveloped.
- There is a rights of way claim with RMBC from Norwood Crescent to Footpath 19, Canal Walk.
- The proposal will result in additional levels of noise / light / air pollution and loss of outdoor space.
- There are insufficient play areas for children to play safely.
- The area is susceptible to flooding at the southern edge where the path meets the woodland track it was like a river last winter. It is feared that no consideration has been given to the water table level in this zone and any development may be built on a potential future flood plain.

- Has consideration been given as to the proximity of the former mine?
- The adjacent recent developments have impacted on sewage systems and this development would add to that.
- There are no social amenities for youths in the area, which will lead to more roaming the streets causing a nuisance.
- There is a dyke on the proposed site which is currently overgrown. Some clearing of bushes was carried out last year with access gained via the proposed site. Obviously if the development goes ahead there will be limited access to the dyke for ongoing clearing of undergrowth.
- There is a hill to the east of the proposed site draining into the said dyke and the flatter part of the proposed site is liable to flooding in the wetter months. Given that 196 properties are to be erected if the proposed development goes ahead this will have a devastating effect on the drainage of the site and may cause flooding, if not only to the newly developed properties but potentially to the properties currently on the boundary of the site.
- The surface water around the roundabout at the junction with Wales Road and Chapel Way drains into the dyke. If the dyke is blocked for whatever reason this water has nowhere to go and so therefore floods the junction on the only through road of the village. This has happened on numerous occasions which the Council are aware of.
- A bridge over the culvert breaks the existing hedgerows and scrub and such a structure disturbs existing wildlife that already reside there in huge abundance. A bridge will give rise to inevitable human pollution through litter build up, fly tipping and other human contamination leading to not only unsightly pollution at the area but more importantly pollution run off and a danger to wildlife.
- What will the landscaping and boundary treatments be?
- The application indicates that 47 units (23%) will be 'affordable' this is not accompanied with any viability assessment. Without this there is significant risk that the number of affordable homes that are made available to the local community will be reduced once development commences.

The issues raised by the Local MP are summarised below:

- Whilst the land has been approved by RMBC as suitable for housing, I will always maintain that it is a mistake to allow our beautiful green spaces to be concreted over whilst there are brownfield sites in the Borough which should be prioritised first.
- Whilst I would like this development not to proceed and the land to be kept as green space; I would like to ensure that this development, if approved, is both sympathetic to the concerns of local residents, and ensures that sufficient conditions and mitigation is put in place to alleviate the main issues that have been raised. These issues are:
  - Concerns regarding traffic
  - Impact on traffic on main roads
  - Inadequacy of public transport
  - Protecting the environment and nature

- Loss of trees
- Impact on local services
- Drainage / flood concerns
- Recreational use of fields
- Work with SY Police to increase police visibility in the area.

On receipt of amended plans and the addition of an extra dwelling, a further round of public consultation took place. 21 further letters were received from individual addresses as part of the additional consultation, 9 were from individual addresses that had not previously commented. The majority of issues raised were the same as previously stated above, new issues raised are summarised below:

- Building on this greenbelt land is morally wrong not just because of the natural habitat that it will destroy and the increased traffic this will cause around the village but because you continue to ignore development of the brownfield site at Kiveton Park Station. Due to the major incidents occurring on this site in the recent past: 1. a major fire and 2. a drugs factory, I can't understand why the council does not pursue the development of this land as a higher priority to the development of this greenfield site.
- If 25% of the development was for affordable housing such as Council homes for young locals to remain in the area they have grown up in, it would be a different matter, but it is not. It is housing to make a profit with no care for the local community whatsoever. Anything less than 25% is simply a way for any developer to build lots of over-priced houses that often squeeze young locals out of rural and semi-rural communities where they have grown up which changes community cohesion and interaction.
- We need another primary school and another doctors if this is going ahead.
- We must safeguard our countryside from encroachment, and we have already had a lot of housing over recent years with no increased infrastructure this has an impact on the whole of Wales ward.
- Are more rail services going to be provided?
- If either Lambrell Green or Chapel Way were closed for essential maintenance, that would leave just one road into the existing development, add the cars/vans of another 197 properties, then you have serious traffic issues. 197 homes clearly need at least one additional route into and out of the development, two ways in/out are not enough. The Road/Traffic report does not state this, but common sense clearly leads the way on this.
- All the bad parking therefore means it looks very busy. And with young children playing on the streets and roads, I'm surprised there have not been more accidents. There are numerous corners with very little visibility, and some road users go far too fast. The whole situation will at some point lead to fatalities.
- There are no after-hours facilities to keep the youths off the streets, so various small groups of youths hang around causing a mess and noise nuisance. It is all well and good that the Developers include

community green areas, but that will just give youths another area to loiter and cause disruption. Again, I ask, will the Council and Developers permanently invest in Youth facilities for the village?

- The noise of building work and lorries driving up and down Chapel Way for a lengthy period of time.
- The noise and potential speed of increased traffic on Chapel Way once the houses have been built.
- Kiveton Park is a village and whilst things move on we feel it is important to keep that village feel by not expanding the numbers living here further to become an urbanisation.

5 Right to Speak requests have been received from local residents, a local ward councillor, the local MP 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.

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: Consideration needs to be given to the impact on general practices and their estate.

South Yorkshire Archaeology Service: No objections.

Canal and River Trust: No objections.

SY Police Architectural Liaison Officer: No objections.

Yorkshire Wildlife Trust: Have raised concerns over the ecological information submitted.

Chesterfield Canal Trust: Have 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 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
- 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.

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.

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

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

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

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

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

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

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

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

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

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.”*

### *Trip Generation*

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.

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

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

Industry based software has been used to determine growth factors and anticipated trip rates:

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

The analysis of the likely development traffic distribution has used journey to work data based on information from the 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 – It has been demonstrated that there is little to indicate any concerns at this junction.
- B6059 Wales Road / Chapel Way roundabout - It is evident that this junction will continue to function well within capacity.
- Kiveton Lane / B6059 T-Junction – The junction will operate well within capacity and no mitigation works will be required.
- A618 / B6059 School Road / Delves Lane crossroads - 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.

- A57 / A618 roundabout - The results show that the junction is expected to operate within capacity in both scenarios but will experience some additional queuing in both the AM and PM peak periods. It is expected that there will be a minor increase of 1 or 2 vehicles to the ends of pre-existing queues.

### *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.

### *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 junction modelling work has been carried out using the parameters officers requested; the work indicates the proposed additional vehicular trips can be accommodated within the current highway network.

Furthermore, the revised layout has been amended in line with previous comments and now complies with guidance from Manual for Streets, South Yorkshire Residential Design Guide and the Council's car parking standards. It is also of note that 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 improving the sustainability of the site. This being the case,

there are no objections to the granting of planning permission in a highways context subject to recommended conditions in respect of surfacing being permeable and construction details of road sections being submitted.

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, there are no reasons to refuse planning permission from a highways perspective. Accordingly, the scheme is considered to be in compliance with the relevant paragraphs of the NPPF, Local Plan policies CS14 'Accessible Places and Managing Demand for Travel', SP26 'Sustainable Transport for Development' and SP56 'Car Parking Layout', 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.

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

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

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

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

It is noted that the Yorkshire Wildlife Trust raised concerns regarding the initial ecological information provided. However, the Council's Ecologist has raised no concerns with the information provided with the application and has raised no objections to the development of this land subject to conditions. Notwithstanding, an Ecological Impact Assessment was submitted to accompany the original Preliminary Ecological Appraisal, not further comments have been received from the Yorkshire Wildlife Trust.

It is therefore considered that subject to conditions in respect of implementing the recommendations set out in the Preliminary Ecological Appraisal and the installation of bat and bird boxes within the development the proposal would result in biodiversity enhancement. Accordingly, the scheme would comply with the requirements set out in the Local Plan policies referred to above.

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 and Local MP) 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 163 and 165 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 whilst there are still some parts of the drainage design which have not been fully finalised these matters can be dealt with by planning conditions.

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, whilst there are some small elements that require additional information, these outstanding matters can be dealt with by planning conditions and as such the Council's Drainage Engineer has raised 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 127(f) of the NPPF states planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

In respect of amenity there are two elements

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

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

In relation to construction, while some noise is to be expected with development works of this scale it is important to limit the impact of the works on existing nearby residents. Good construction practice and appropriate consideration of working hours should ensure that this occurs. This will be secured by the imposition of a condition requiring the submission of a Construction Management Plan which include details of access to the site for construction vehicles, traffic management during construction work, location of site compounds and staff parking; measures to deal with dust and mud on the highway; and details of hours of construction and deliveries. It is noted that 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

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

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

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 information is acceptable and as such there are no issues in respect of air quality impact from the development and subject to conditions, the scheme would comply with policy CS30, the adopted SPD 'Air Quality and Emissions' and paragraph 110 of the NPPF.

### Affordable Housing

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

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

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.

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 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 have advised that consideration needs to be given to the impact on general practices and their estate. Accordingly, the CCG have recognised that there are areas of the borough that are experiencing capacity concerns and as such they are working internally to establish whether funds generated through the planning process, from new residential developments in these areas, could assist in the provision of future primary care.

Notwithstanding this, 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 and continued to be allocated for residential development within the current adopted Local Plan, the site has never been allocated as Green Belt.

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, received 23 December 2020  
18-CL4-SEGB-KI-SK-01 rev S – Site Plan, received 01 June 2021  
P18-1850.003F – Landscape Masterplan, received 01 June 2021  
MY 04-V10-4 Bologna Welcome Centre, received 12 April 2021  
18-CL4-SEGB-KI-SK-03B – Materials / Boundary Treatment Plan, received 12 April 2021  
C1065233 – Substation, received 12 April 2021  
C&RSP/S/DB – Bin and Cycle Stores, received 15 April 2021  
18-CL4-SEGB-KI-SK-06B – Car Parking Plan, received 12 April 2021  
MY\_DG1 – Double Garage, received 23 December 2020  
MY\_SG1 – Single Garage, received 23 December 2020  
18-CL4-SEGB-KI-SK-10 rev A – Production Management Plan, received 22 April 2021  
AMA-20400-SK007, received 28 May 2021  
AMA-20400-SK008, received 28 May 2021  
AMA-20400-SK009, received 28 May 2021  
AMA-20400-SK010, received 28 May 2021  
AMA-20400-SK011, received 28 May 2021  
AMA-20400-SK012, received 28 May 2021

#### House Types

M3-100 BARCELONA & M4-400 MADRID 100, received 12 April 2021  
M3-100 BARCELONA & M4-400 MADRID 101 (brick), received 12 April 2021  
M3-100 BARCELONA & M4-400 MADRID 101 (stone), received 12 April 2021  
MY 02-V6-5-NAPLES 100 (AS), received 12 April 2021  
MY 02-V6-5-NAPLES 101 (AS) (brick), received 12 April 2021  
MY 02-V6-5-NAPLES 102 (AS) (stone), received 12 April 2021  
MY 02-V6-5-NAPLES 103 (OPP), received 12 April 2021  
MY 02-V6-5-NAPLES 104 (OPP) (brick), received 12 April 2021  
MY 02-V6-5-NAPLES 105 (OPP) (stone), received 12 April 2021  
MY 04-V10-4 BOLOGNA (AS), received 12 April 2021  
MY 04-V10-4 BOLOGNA (OP), received 12 April 2021  
MY P 202 LIVORNO 100 (brick), received 12 April 2021  
MY P 202 LIVORNO 101 (stone), received 12 April 2021  
MY P-302 100 (AS) (brick), received 12 April 2021  
MY P-302 100 (OPP) (brick), received 12 April 2021  
MY P-302 101 (AS) (stone), received 12 April 2021  
MY P-302 101 (OPP) (stone), received 12 April 2021  
MY P-404 100 (AS), received 12 April 2021  
MY P-404 100 (OPP), received 12 April 2021  
MY P-404 100 (OPP) (stone), received 12 April 2021

MY P-404 101 (AS) (stone), received 12 April 2021  
MY P-412 OPORTO 100 Rev A, received 12 April 2021  
MY P-412 OPORTO 101 Rev A, received 12 April 2021  
MY P-502 100 (OPP) (brick), received 12 April 2021  
MY P-502 100 (brick), received 12 April 2021  
MY P-502 101 (OPP) (stone), received 12 April 2021  
MY P-502 101 (stone), received 12 April 2021  
MY A-205 100 (AS) (brick), received 12 April 2021  
MY A-205 100 (OPP) (brick), received 12 April 2021  
MY A-205 100 (AS) (stone), received 12 April 2021  
MY A-205 100 (OPP) (stone), received 12 April 2021  
STA MY A-251 100, received 12 April 2021  
STA MY A-251 101, received 12 April 2021  
STA MY A-352 100, received 12 April 2021  
STA MY A-352 101, received 12 April 2021  
STA MY A-451 100 (AS), received 12 April 2021  
STA MY A-451 100 (OPP), received 12 April 2021  
STA MY A-451 101 (AS), received 12 April 2021  
STA MY A-451 101 (OPP), received 12 April 2021

Reason

To define the permission and for the avoidance of doubt.

Materials

03

The materials to be used in the construction of the external surfaces of the 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-03B. 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 (received 30 April 2021) and the Soil Strategy (received 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-06B 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

Construction of roads or dwellings shall not begin until a foul and surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. During construction, if the approved scheme has not been implemented, temporary arrangements shall be put in place to limit surface water runoff to the agreed discharge rate and protect receiving watercourses. The scheme to be submitted shall demonstrate:

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

Reason

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

07

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

Reason

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

## 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: P18-1850.003F). 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 recommendations set out in Table 2 of the ECIA prepared by ECUS Environmental Consultants and submitted on 9<sup>th</sup> April 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 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.

Green Spaces

16

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

17

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.

18

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.

19

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.

20

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.

21

The site has been identified as a gas characteristic situation 2 and gas protection measures are required for each plot. 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.

22

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.

23

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.

24

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

25

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

26

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

27

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.

28

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.

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.

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

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



### Site Description & Location

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

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

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

## **Background**

The site has the following relevant planning history:

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

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

RB2016/1031 – illuminated signage – granted

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

## **Proposal**

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

## **Development Plan Allocation and Policy**

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

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

Local Plan policy(s):

CS28 'Sustainable Design'

SP19 'Development Within Town, District and Local Centre'

SP21 'Secondary Shopping Frontages'

SP52 'Pollution Control'

SP55 'Design Principles'

## **Other Material Considerations**

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

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

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

In addition in December 2020 Wickersley Parish Council published a draft Neighbourhood Plan which will be formally submitted shortly. The most relevant policy elements are as follows:

#### **POLICY VC1: DRINKING ESTABLISHMENTS**

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

The plan also indicates that 'It is considered that the current number of drinking establishments is the maximum that should be permitted given the noise, disturbance and anti-social behaviour particularly associated with these premises and would complement the licensing policy already in place.'

#### **Publicity**

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 3 letters of representation and a petition from the Parish Council containing 6 names and addresses has been received. The concerns raised have been summarised as follows:

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

- By comparison, Rotherham Town Centre has 29 restaurants and drinking establishments which represents 10% of the total number of units despite planning policy which seeks to focus the night time economy in that location.
- It is not just the number of such establishments that have increased in Wickersley in recent years, it is also the intensity of use. Three of the drinking establishments (Mason's, Olive Lounge, and Three Horseshoes) have outside bars that normally attract large numbers of people to congregate to the front and sides of the buildings especially in the summer months.
- Most of the restaurants have licenses until at least midnight at weekends and the bars/pubs until 1 or 2 am. It is this late noise and activity associated with the bars in particular which causes the most nuisance for local residents.
- Rotherham Council has recently designated Wickersley as a Cumulative Impact Zone (CIZ) under licensing legislation in recognition that Wickersley centre does not have the required infrastructure to deal with a large and sustained evening economy.
- Following extensive consultation, the Council concluded that the number of licensed premises within Wickersley is at such a level that no further licenses or variations to licenses should be granted unless it can be demonstrated that they would not impact any further on the cumulative impact of existing licensed premises.
- 42 noise complaints to Environmental Health had been made since 2016 and residents cited three main areas of concern at the consultation sessions;
  - Outside drinking and live music in gardens and terraced areas in summer months
  - Noise from customers leaving premises and staying in the area after licensed hours
  - Noise from premises staff after licensed hours
- With regard to crime and disorder, crime data for the area including Wickersley centre showed that... Taking all offences into account, 65% of all crime in Wickersley West could be linked to the night-time economy within the area.
- From the responses received from local residents to the CIZ proposal it is clear that whilst the sheer concentration of licensed premises in Wickersley is leading to problems for local residents, it is the bars and pubs that cause the most issues.
- Wickersley Parish Council is currently producing a Neighbourhood Plan and has just completed its consultation on the Draft Plan. As part of the initial consultation a residents survey was carried out and the number of pubs and bars was cited as the second most common response to the question of what was their least favourite thing about Wickersley. 35% of respondents wanted to see fewer drinking establishments with a further 58% saying the number was about right. There was less concern about restaurants.
- The current proposal to change the use to a drinking establishment, especially one with outdoor seating and outside bar, is a very different

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

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

The Wickersley Ward Councillor (Cllr Hoddinott on behalf of all ward Cllrs) has also commented as follows:

- Another drinking establishment in Wickersley, shifts the dynamic even further from a mixed day and night economy, to a night time economy.
- We know from the cumulative impact zone consultation and implementation there are already significant problems with crime, anti social behaviour and impact on residents associated with late night drinking establishments. That was why the zone was agreed.
- This development is near to residential properties, mainly family houses and elderly people complexes. We know from previous complaints, some as far as Flanderwell, that noise can travel especially during the summer months. There is also the associated noise from taxis, cars and people walking home as well which impact. The significant outside development will make this situation worse.
- This outside development is not proportionate to a small venue and in addition the density will have a big impact on the streetscene. The pavement here is narrower and it will have a big impact on the feel of the public space. The plans seem to show a lamppost will be relocated, also reducing the width of the pavement.
- Finally the design is unconventional and doesn't have regard to the existing designs within the vicinity such as the bay windows and clock. It will look very out of place amongst this facade of shops.

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



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

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

*Regarding the outside bar, this is simply to assist the bar situated inside during busy periods e.g., summer weekends. As we are a small venue, I do not feel the inside bar could cope during these times, however as stated above, this will still be table service. Currently the government is pushing for outdoor activity due to Covid-19, although this may not be long term, the threat of viral infections or possibility of another future pandemic is always present so having an outdoor area will give us the means to survive if a pandemic arises again. We can also offer outdoor seating to keep both customers and staff safe.*

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

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

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

## **Consultations**

### RMBC

Transportation Infrastructure Service – no objections.

Licensing Officer – any future application for a new licencing application will be considered separately with no specific comments related to this planning application

## Appraisal

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

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

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

The main considerations in the determination of the application are:

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

### Principle of Development

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

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

Policy SP 21 'Secondary Shopping Frontages' indicates

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

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

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

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

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

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

In terms of the use classes proportions within Wickersley, due to the 2020 government change in use class category, including the current proposal the overall numbers of E Use classes is at 55 units and represents 61% of the total at the last review in September 2020 (though this would have represented 42% A1 use in the old system). There are a total of 3 A4 uses in the old system during the last few surveys (equating to 12 Sui Generis in the new system). The site is not within the Prime Shopping Area and the proposal would allow the percentages of Use Class E retail uses to remain significantly above the 30% minimum as defined in Policy SP 21 'Secondary Shopping Frontages'. Overall therefore this element is considered to be acceptable and in accordance with planning policy.

More specifically in relation to the Wickersley Neighbourhood Plan, the comments regarding the restriction of further drinking establishments as set out in Policy VC1 of the Neighbourhood Plan are noted. However, whilst the

Neighbourhood Plan has been through local consultation as a part of its preparation, the document has not been formally submitted to the Local Planning Authority and has not been through any statutory consultation or public examination. At this stage it does not form a part of the Local Plan and cannot be afforded any significant weight in the determination of planning applications. In this regard, whilst the desire of the Parish Council is to further limit any additional changes of use to drinking establishments in Wickersley, this is not a consideration of the development plan and therefore planning permission could not be refused on this basis.

#### Impact on neighbouring amenity

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

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

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

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

The objections raised are from Wickersley Parish Council acting on behalf of local residents who are concerned that the proposed change of use will have a negative impact on residential amenity by way of increased noise and disturbance. The comments further state that residents already experience noise associated with people drinking/eating inside and outside together with car doors slamming from people leaving the area late at night.

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

It is noted that the Parish Council have a particular concern with the outdoor terrace and drinking area indicating that this aspect has the potential to increase overall noise levels. However, it is noted that the area is relatively small in size (occupying an area of approximately 8m by 4m) and shows 4 pods capable of accommodating 4 people along with 3 tables with an indicative capacity of 4 people each. Overall the maximum outside capacity is likely to be in region of 30 people (with no social distancing regulations). However, it is considered that this is likely to be a maximum capacity and may not be a regular occurrence. The applicant indicates that it is anticipated that approximately 50 covers inside and out would be expected. It is noted that the outdoor seating area is along the southern elevation facing the main road and noisier main commercial centre rather than the more sensitive residential uses to the north.

It is also noted that the earlier 2015 permission did not impose maximum hours of use and a subsequent 2016 application was approved for use of the paved area in of as an outside seating area under RB2016/1092, which did not impose restrictions to hours of operation. This could be used for people to sit outside having a drink after their meal in summer months. However, it is considered necessary to restrict the use of the terrace by up to a maximum of between 08:00 and 22:00 hours at Friday and Saturday and up to 21:00 hours during Sunday to Thursday in order to safeguard residential amenity. The applicant has requested the use of the premises until 2300 hours. Whilst there are no objections to these within the main building, these hours on the terrace is considered to have the potential for a much greater impact on surrounding residential amenity. It is considered that the terrace should therefore be more strictly regulated hours.

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

#### Impact on visual amenity

In assessing the proposed design of the proposals in relation to the existing building, Core Strategy CS28 'Sustainable Design,' requires that development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.

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

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

### Highway Considerations

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

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

### **Conclusion**

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

### Conditions

01

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

Reason

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

02

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

(Drawing numbers site plan 2020-114-01, block plan 2020-114-02, elevations 2020-114-03)(received 22/01/21).

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

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

Monday-Thursday 0800-2100

Friday & Saturday 0800-2200

Sunday 0800-2100

Reason

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

05

No external music shall be played outside the premises.

Reason

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

**POSITIVE AND PROACTIVE STATEMENT**

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