

PLANNING REGULATORY BOARD

**Date:- Thursday 18 May 2023 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 27th April, 2023 (Pages 7 - 9)
6. Deferments/Site Visits (information attached) (Pages 11 - 12)
7. Development Proposals (Pages 13 - 158)
8. Updates
9. Date of next meeting - Thursday, 8th June, 2023 at 9.00 a.m.

Membership of the Planning Board 2022/23

Chair – Councillor Atkin
Vice-Chair – Councillor Bird
Councillors Andrews, Bacon, Ball, Burnett, Cowan, Elliott,
Fisher, Havard, Keenan, Tarmey and Taylor.

Planning Regulatory Board 'Public Right To Speak'

REGISTERING TO SPEAK

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

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

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

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

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

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

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

Please note that applications can sometimes be withdrawn or deferred at short notice.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

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

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

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

YOUR RIGHT TO SPEAK

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

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.

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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.)

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PLANNING BOARD
27th April, 2023

Present:- Councillor Atkin (in the Chair); Councillors Andrews, Bacon, Ball, Bird, Burnett, Cowen, Elliott, Fisher, Havard, Keenan, Tarmey and Taylor.

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

185. EXCLUSION OF THE PRESS AND PUBLIC

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

186. TO DETERMINE ANY ITEMS WHICH THE CHAIRMAN IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY.

There were no matters of urgency for consideration.

187. DECLARATIONS OF INTEREST

Councillor Ball declared a disclosable personal interest in RB2022/1806 (Increase in height of part of building from two to three storeys to create apartments with two additional apartments in the roof space at Phoenix Court, 67 Blyth Road, Maltby) on the grounds that he had objected to the application prior to becoming a Planning Board Member.

188. MINUTES OF THE PREVIOUS MEETING HELD ON 6TH APRIL, 2023

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 6th April, 2023, be approved as a correct record of the meeting.

189. DEFERMENTS/SITE VISITS

Resolved:- That application RB2022/1806 (Increase in height of part of the building from two to three storeys to create apartments with two additional apartments in the roof space at Phoenix Court, 67 Blyth Road, Maltby) be deferred to the next meeting to ensure appropriate documentation is circulated to all objectors.

190. DEVELOPMENT PROPOSALS

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

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

- Reserved matters application (details of scale, external appearance, landscaping and layout) for the erection of 456 dwellinghouses and floorspace within Use Class E (Commercial, Business and Service) (reserved by outline RB2022/1076) at Waverley New Community off High Field Spring, Catcliffe for Barratt David Wilson Homes (RB2022/1275)

Mr. M. Jones (Applicant)
Mrs. T. Paterson (Objector)

(2) That the reserved matters application RB2022/1275 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

191. UPDATES

The following update was provided:-

Further to Minute No. 118 of the meeting of the Planning Board held on 11th August, 2022 consideration was given to the appeal outcome following refusal of planning permission for the demolition of 2 No. bungalows and erection of 8 No. flats at 2 Goose Lane, Wickersley for Habbin Ltd. (RB2021/0401).

In allowing the appeal the Inspector commented:-

“The appeal site is on a prominent corner plot. The Wickersley Design Code supports the Wickersley Neighbourhood Plan 2021 – 2028 and is referenced in Policy GP1 in relation to securing high quality design. It is not disputed that the most relevant character area from the WDC is Character Area 6 which is characterised by a mixture of property types with material and architectural styles varying throughout. The WDC continues that the variety of building types results in the area lacking a distinctive and coherent set of key dimensions. Also of relevance to the appeal site is guidance in the WDC which sets out that key corners and junctions should be marked by ‘gateway units’ that are different in scale and materiality to those forming the main streets. Houses on these corners should be designed in such a way that both aspects facing the street provide visual interest and window openings.

In wrapping around the corner plot the proposal would have a different built form to the neighbouring properties and it would introduce a different but complementary palate of materials, including red brick and stonework, which would ensure the scheme integrates with its local context. It would be forward of the main elevations of neighbouring properties on Goose Lane and Bawtry Road. Nevertheless, the scheme would still be set back from the road, would retain the traditional stone wall, and taking account

of its corner location would create a 'gateway unit'. In doing so it would emphasise the site's key location at a junction and contribute to a legible hierarchy of buildings and spaces in the locality."

In addressing the matter of overdevelopment, he went on to state:-

"It has been suggested that the appeal scheme would represent overdevelopment of the site, however, owing to the large plot size the spacing and layout of the proposal is acceptable. The proposal would result in a clear sense of integration in the immediate street scene and wider area and would not be incongruous or visually intrusive. The proposal would also be punctuated by windows at regular intervals, providing visual interest and an active and animated elevation, in line with the guidance within the WDC.

The Council suggest that the guidance for corner plots in the WDC is not relevant to the appeal scheme, which should instead take account of the existing building lines and the built form in the area, and the massing of one of the neighbouring properties which is single storey. However, I have no clear reason not to take this aspect of the WDC into account, alongside the other relevant aspects of the WDC."

Following an application for costs the Inspector confirmed:-

"the planning officer's report to planning board concluded that the proposal would be acceptable in design, scale and appearance, taking the opportunity to provide a key corner building. Yet little evidence was then put forward by the Council to support the reason for refusal to establish why the proposal would be an excessive form of development that would appear visually intrusive. In particular it has not been clearly articulated as to why the appeal scheme should not be treated as a gateway site given its prominent corner location.

In the planning judgement, it appears to me that having regard to the provisions of the development plan, national planning policy and other relevant considerations, the development proposed should reasonably have been permitted. The refusal of planning permission therefore constitutes unreasonable behaviour contrary to the guidance in the National Planning Policy Framework and the PPG and the appellant has been faced with the unnecessary expense of lodging the appeal."

Resolved:- That the information be received and the content noted.

192. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 18th May 2023 at 9.00 a.m. at Rotherham Town Hall.

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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 18TH MAY 2023**

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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<p>RB2022/1884 Demolition of existing garages and erection of a pair of semi-detached houses and a detached bungalow at Sites at St Leonard's Ave & Staple Green Thrybergh for Rotherham MBC</p>	<p>Page 89</p>
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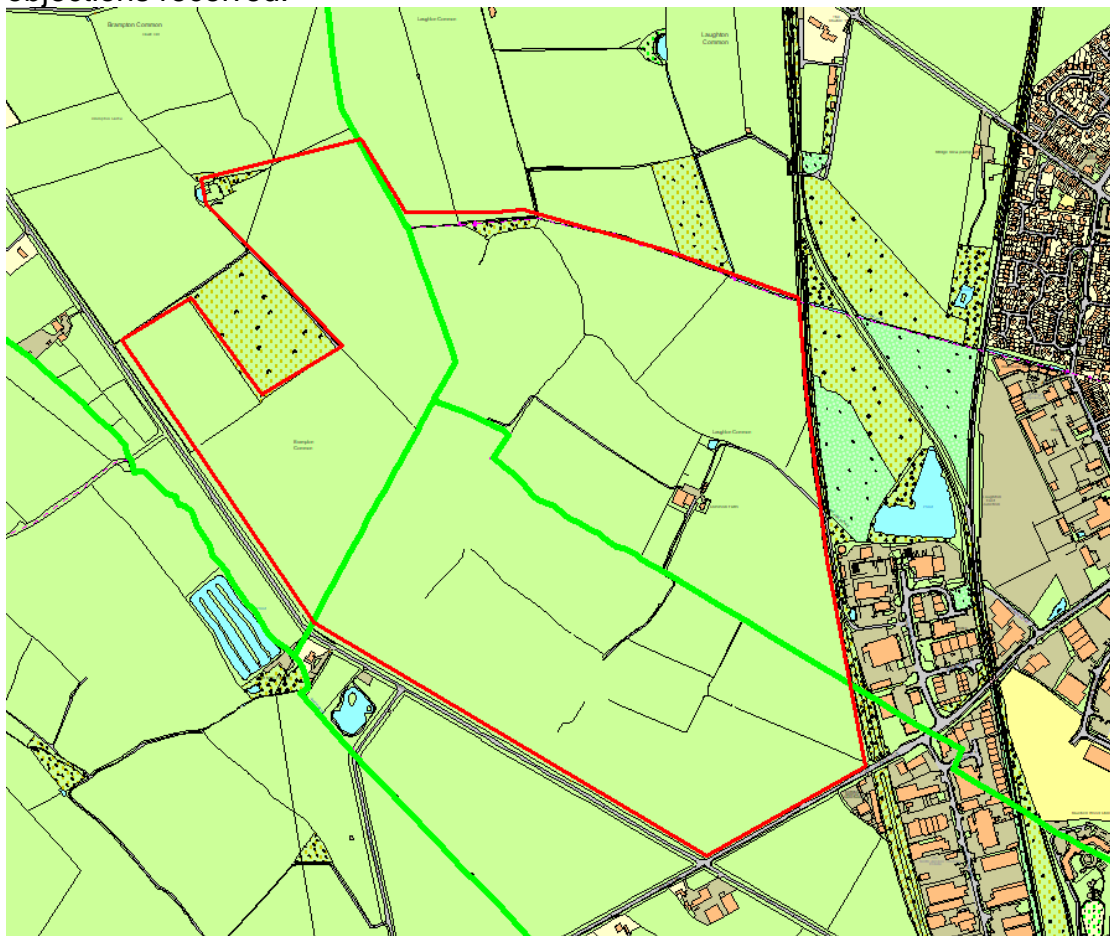
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**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 18TH MAY 2023**

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

Application Number	RB2022/1203 https://rotherham.planportal.co.uk/?id=RB2022/1203
Proposal and Location	Installation and operation of a solar energy park and associated infrastructure at Common Farm Bookers Lane Dinnington
Recommendation	<p>A. That the application be referred to the Secretary of State (Planning Casework Unit) under The Town and Country Planning (Consultation) (England) Direction 2021, being inappropriate development in the Green Belt and having a floorspace over 1000 sqm and would have a significant impact on the openness of the Green Belt.</p> <p>B. That subject to the National Planning Casework Unit not calling in the application for determination the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

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



Members should be aware that if they are minded to approve the application, this would be a 'resolution for grant' subject to referral of the application to the Secretary of State, as the site is within the Green Belt and over an identified threshold set out in The Town and Country Planning (Consultation) (England) Direction 2021 for consulting the Secretary of State in the event the local planning authority has resolved to grant planning permission for certain types of development.

The purpose of the Direction is to give the Secretary of State an opportunity to consider using the power to call in applications under Section 77 of the Town and Country Planning Act 1990. To use the call-in power requires that the decision be taken by the Secretary of State rather than the local planning authority.

Paragraph 3 of the 2021 Direction states:

This Direction shall apply in relation to any application for planning permission which – (a) is for Green Belt development, development outside Town Centres, World Heritage Site development or flood risk development; and (b) is received by a planning authority on or after 21 April 2021.

Paragraph 4 of the 2021 Direction states:

For the purposes of this Direction, "Green Belt development" means development which consists of or includes inappropriate development on land allocated as Green Belt in an adopted local plan, unitary development plan or development plan documents and which consists of or includes –

(a) The provision of a building or buildings where the floor space to be created by the development is 1000 square metres or more;

or

(b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

The proposal is for a Solar Farm of a large scale covering 116 hectares of fields and where there would be more than 1000 square metres of buildings in the form of solar arrays, inverter/transformer stations and battery storage containers. Therefore, the proposal falls within both (a) and (b) above.

Site Description & Location

The application site is located 0.5km to the west of Laughton Common, on land to the north of Todwick Road, east of Long Road/Common Road and west of Todwick Road Industrial Estate.

The site is 116ha in area and is currently used for agriculture, comprising mainly arable fields separated by a series of ditches and hedgerows, with established hedgerow, albeit with gaps, around the periphery. Common Farm farmhouse and associated farm buildings are situated within the centre of the site. This area has been excluded from the application site boundary.

A public right of way runs from Long Road along the northern boundary of the site and then cuts across the north-western corner of the site. There is also a

public footpath to Thurcroft running along the eastern boundary between the Site and Todwick Industrial Estate.

The north-western tip of the site encroaches into the edge of Brampton Local Wildlife Site.

Background

There is no relevant planning history relating to the application site.

EIA Screening

The development proposed falls within the description at paragraph 3(a) of Schedule 2 of the 2011 Regulations and exceeds the threshold in column 2 of the table in Schedule 2 to the 2011 Regulations. Therefore, the Council considers that the development proposed is 'Schedule 2 development' within the meaning of the 2011 Regulations.

In the Council's Screening Opinion however, having taken into account the criteria in Schedule 3 to the Regulations, the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Accordingly, it is the Council's opinion that the proposed development is not 'EIA development' within the meaning of the 2011 Regulations.

This opinion on the likelihood of the development having significant environmental effects is reached only for the purpose of a screening opinion pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Proposal

The application seeks full planning permission for the installation and operation of a Solar Energy Park comprising an array of ground mounted solar panels with associated infrastructure including inverters, battery storage, access tracks and substation compound as well as fencing security cameras and cabling.

The development includes the below key elements –

- a) Ground mounted solar panels arranged in rows;
- b) Associated solar panel infrastructure, including but not limited to, foundations, external inverters and concrete inverter pads, hardstanding/set down areas;
- c) A battery energy storage system (BESS);
- d) Approximately 5km of new access tracks;
- e) New access junction off Long Road;
- f) Substation and compound;
- g) Underground electrical and communications cabling;
- h) Fencing and cameras;
- i) Temporary construction compound; and

j) Biodiversity enhancements

The proposed development will have an installed capacity up to 49.9MW AC (alternating current that can be used by the electricity grid)

Solar Panels:

The solar panels will be mounted on metal frames which will be set out in generally south facing rows running east-west across the site to maximise solar gain. The panels will be arranged in a fixed system, so the panels will remain in the same position. The exact model of panel is not known at this stage, as they will not be selected until post planning, the solar panels will have a maximum height of 4.5m and will be a minimum height of 0.7m above ground level. They will be dark blue, grey or black in colour and set at an angle of between 10 and 35 degrees. The distance between the rows will range between 3m and 12m.

Inverters:

Inverters will be required across the site to convert the direct current (DC) electricity that is generated by the solar panels into alternating current (AC) electricity suitable for export to the grid. The inverters will either be centrally located or attached to the back of the solar panels (string inverters).

Battery Energy Storage System:

A Battery Energy Storage System compound with capacity for up to 50MW of battery storage will be located in the northwest of the site adjacent to the substation compound. The battery compound will contain up to 40 containerised batteries and up to 20 inverters along with a control building.

Both the battery and inverter containers will be approximately 2.4m wide by 6m long, with a maximum height, including any roof mounted cooling units, of 4.5m. Depending on the model of battery deployed, which will not be determined until post consent, the cooling units may be located within or on the side of the containers rather than being positioned on the roof.

Access:

Access to the site will be taken via a new T-junction off Long Road. The construction period is proposed to last approximately 6-9 months and it is during this period that most vehicle movements to and from the site will be generated. During this time, it is expected that the site would generate maximum daily construction traffic of up to 32 HGV two-way movements and up to 30 two-way car/LGV movements. Once operational the proposed development will generate minimal traffic on a maintenance and repair basis.

Cabling:

Cabling is required to link the panels to the control building and then on to the grid. Communication cabling will also be required. The majority of the on-site cabling will be underground and where practical will be installed within the verges of the access tracks. However, in areas of archaeological sensitivity cable trays which sit on the ground will house the cables to minimise ground disturbance.

Grid Connection:

Electricity generated from the Solar Energy Park will be taken from the site via cables either overhead or underground to Thurcorft sub-station which is located approximately 3km north of Common Farm. This off-site grid connection does not form part of this application, it will be subject to a separate consenting process.

Substation Compound and Control Building:

The substation compound, along with the battery compound and construction compound are located in the northwest of the site, adjacent to a block of established forestry which screens any potential views from the north.

The substation compound will be approximately 80m x 50m and will house the control building, storage, the District Network Operator's (Northern Power Grid) substation, a 66/33kV external transformer, switchgear and associated electrical equipment. There will be security fencing around the perimeter of the substation.

The control building will contain a switch room with 33kV switchboard and protection equipment, WC facilities, metering and other control and protection rooms. The building will be approximately 13.8m by 7.5m with a pitched roof and concrete block construction.

Construction compound:

A temporary construction compound will be created adjacent to the substation compound and utilised during the construction period. The construction compound will be approximately 50m x 50m and provide a site office, welfare facilities and parking.

Drainage:

Run-off from the site will not materially increase as a result of the proposed development. The majority of the site will host ground mounted solar panels. In these areas there will be no additional surface water generated as a result of the development due to the panels positioning off the ground.

Fencing and Security:

Fencing up to 2m in height will be erected around the perimeter of the solar panel area throughout the Solar Energy Parks operational life. This will be deer style fencing with gates installed to allow access via the access tracks. To provide mitigation for glint and glare, a 3.5m high opaque fence will be erected between Todwick Road and the solar panels, along the southern boundary of the site. This fence will be erected behind the existing vegetation. Gaps in the existing hedgerow will be gapped up and left to grow to 3.5m and additional tree planting is proposed on the corner of Todwick Road and Long Road where the fence is most visible. Once the vegetation reaches 3.5m the height of this fence will be reduced to 2m.

The site compound and if required the central inverters will require additional security fencing, predominately around the key external electrical

components. Security cameras mounted on poles between 3m and 5m in height will be positioned throughout the site. The exact position of these will be agreed with the Local Planning Authority prior to commencement of development. The cameras will use infra-red technology so there will be no need for lighting.

Biodiversity enhancements:

The following biodiversity enhancement measures will be delivered as part of the solar farm:

- a) Following construction, the land between and beneath the panels will be managed in a manner which enhances the biodiversity of the site through the creation of species rich grassland.
- b) Wild bird seed strips with a minimum width of 6m will be created at the edges of some fields which will benefit a range of foraging and nesting farmland bird species throughout the year.
- c) An area of scrub will be provided in the north-western corner of the site to provide greater habitat structure and complexity.
- d) New hedgerow planting with trees throughout the site will provide foraging corridors, further connectivity to off-site woodland and connectivity to the broader landscape.
- e) A field in the north-eastern corner of the site will not be developed for solar panels and will instead be managed to benefit lapwing.
- f) Introduction of five bat boxes into existing mature trees to provide enhanced roosting opportunities.
- g) Provision of eight bird boxes to provide enhanced nesting opportunities, and two kestrel boxes in to provide kestrel roosting opportunities.

In addition, the hedgerows around the site boundary will be gapped up to provide landscape and visual mitigation, and the hedge along Todwick Road will be gapped up and left to grow up to 3.5m to provide a screen for the proposed fence that is necessary mitigation to prevent glint and glare.

These proposed measures will result in a biodiversity net gain of 69.41%. With the exclusion of the planting along the site boundary, these measures are not mitigation they are all enhancement measures.

Decommissioning

At the end of the 40-year life of the proposed Solar Farm it would be decommissioned, which would require similar plant to the construction phase with similar traffic impacts. All above and below ground infrastructure would be removed from the site and recycled, where possible.

Development Plan Allocation and Policy

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

The site is allocated Green Belt in the Local Plan. For the purposes of this enquiry the following policies are considered to be of relevance-

CS4 Green Belt
CS19 Green Infrastructure
CS20 Biodiversity and Geodiversity
CS21 Landscape
CS23 Valuing the Historic Environment
CS25 Dealing with Flood Risk
CS27 Community Health and Safety
CS28 Sustainable Design
CS30 Low Carbon and Renewable Energy Generation
SP2 Development in the Green Belt
SP32 Green Infrastructure and Landscape
SP33 Conserving and Enhancing the Natural Environment
SP34 Sites Protected for Nature Conservation
SP35 Protected and Priority Species
SP36 Soil Resources
SP40 Listed Buildings
SP42 Archaeology and Scheduled Ancient Monuments
SP43 Conserving and Recording the Historic Environment
SP47 Understanding and Managing Flood Risk drainage
SP55 Design Principles
SP56 Car Parking Layout
SP57 Sustainable Construction
SP69 Utilities Infrastructure
WCS7: Managing Waste in All Developments

Dinnington Neighbourhood Plan was adopted in May 2021 and forms part of the Local Development Plan.

NE 1: Biodiversity
BED 1: Dinnington Character Buildings and Structures of Local Heritage Interest

Other Material Considerations

National Planning Practice Guidance (NPPG) - 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 -This sets out the Government's planning policies for England and how these should be applied. It sits within the planned 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.

National policy Statements - Published in July 2011 the National Policy Statement for Energy (EN1) confirms the need for the UK to diversify and decarbonise electricity generation, and at paragraph 3.3.10 the Government's commitment to increasing dramatically the amount of renewable generation capacity. The National Policy Statement for Renewable Energy Infrastructure (EN-3) also published in July 2011 confirms the importance of renewable energy. These documents are currently under review which was announced in the Energy White Paper Powering our Net Zero Future which is to ensure that the NPS's are brought up to date to reflect policies in the White Paper.

Publicity

The application has been advertised by way of press, and site notices along with individual neighbour notification letters to adjacent properties. Objections have been received from 2 member of the public as well as from Cllr Jepson, Anston Parish Council and Todwick Parish Council. Letters of support have been received from 6 members of the public.

Objections-

- Concern about the loss of farmland which is habitat for local wildlife including birds, bats, mammals and general ecology.
- The proposal includes an area for Lapwings which will still be farmed and so will result in the loss of the breeding Lapwings.
- The site should be developed purely for Lapwings, Skylarks and other birds shown on the red and amber lists for birds for concern.
- The EIA submitted with the application highlights the birds which will be affected on the red list - Lapwing, Skylark, Grey Partridge, Tree and House Sparrow, Linnet, Yellow Wagtail, and Willow Tit
- There is also an amber list for birds of concern which have not been show in the survey - Quail, Tawny Owl, Sparrowhawk, Kestrel, Moorhen, Willow Warbler, Common Whitethroat and Song Thrush.
- The area has well established hedges and trees. Although these are being retained and added to the impact on the wildlife will be greatly detrimental. To date there are no experimental studies in the peer reviewed scientific literature that attempt to quantify the impact of PV solar farms on birds purely from an ecological perspective.
- The site should not be developed as it provides a buffer between Dinnington, Anston and Todwick
- The loss of land would have an impact on food production

- The proposal would add to traffic congestion in the area which increases noise and pollution
- No details of numbers of solar panels
- No details of how the glare would affect birds
- Further ground may need to be dug up for cables to transfer the electricity generated
- No details of how the fund will be managed or distributed, or which Parish Councils will benefit have been submitted
- The applicants have spoken closely with Dinnington Parish Council but not Anston Parish Council who will be more impacted by traffic.

Cllr Jepson –

- The site is Green belt which forms a Buffer
- The applicant has failed to demonstrate Very Special Circumstances required for development in the Green belt
- Anston will be the most impacted by the increase numbers of HGVs during the construction phase
- Who will monitor the route taken by construction traffic
- Impact on food production
- The site has been wrongly described as being in Dinnington Ward, when most of it is in Anston and Woodsetts ward so local people have been denied the opportunity to comment
- Preapplication discussions with Anston Parish Council was not carried out and residents in Dinnington did not see letters which were supposed to have been posted
- The applicants could not answer questions at a meeting relating to the number of panels, who would benefit from the community fund or how the electric would be fed from the site – overground or underground

Anston and Woodsetts Parish Council –

- The proposal would lead to increase congestion during construction and possibly during operation
- It would set a precedent for developing land within the Green Belt
- Loss of land and decreased food production
- How many solar panels will be located on the site
- The proposal would cause glare to drivers on the M1 and local roads
- The development may lead to an increase in overhead cables
- Impact on biodiversity – eg. deer
- Issues with pre-application discussions with only Dinnington Council when more than half the site is in Anston Parish
- No details of how the community benefit funds would be distributed

Todwick Parish Council –

- The Parish Council has not been consulted even though the proposal will impact the ward
- Loss of productive agricultural land
- The site is within the Green belt and the Parish Council had problems obtaining temporary permission for storage containers elsewhere in the Green belt

- Increase traffic congestion
- Scant regard is given for biodiversity and the impact on wildlife eg. wild deer
- Todwick Parish Council must receive its share of the Community Benefit fund and additional road safety measures should be paid for eg. speed cameras on the A57, visibility splays on road junctions

Support

- The proposal will contribute to UK energy security strategy by reducing dependency on foreign oil and fossil fuels and producing safe, clean renewable energy
- Create jobs and provide an upturn in the economy
- The proposal is only temporary so the site will be returned to agriculture
- The site will provide better habitat for animals and plants and improve biodiversity at the site
- 100% behind such a scheme as we need as much green energy as we can get
- As residents who will overlook the site it is still considered that gains from the project far outweigh any disadvantages
- A low level power station with environmental, social and economic benefits from a company with a track record of community grants appears to be win win for all of us and our descendants
- This opportunity must be taken
- This will produce a huge amount of locally produced green energy
- The scheme also enhances biodiversity at the site
- The proposal will also provide financial support for local community schemes
- This is a well proven reliable technology
- There are no tax payer subsidies for the scheme, so only benefits produced
- A bird watch who holds a current British Trust of Ornithology bird ringing permit has observed a small number of Skylark using the site and he does not believe that solar panels will prevent them continuing to use the site, and therefore supports the proposal. He confirms that from his knowledge he does not believe that the solar farm will have a detrimental impact on the local Bird population and the Lapwing Management feature is welcomed to support the continued use of Lapwing in this area.

The applicant and a member of the public have requested the Right to Speak at the Planning Board Meeting.

Consultations

RMBC -Transportation Unit - No objections subject to conditions

RMBC – Ecologist consultant – No objections subject to conditions

RMBC – Landscape Design – No objection subject to conditions

RMBC EHO – No objections in relation to noise

- Glint and Glare – No firm recommendation due to lack of legislation
- Air Quality – No objections

SYAS – No objections subject to conditions

The Coal Authority – No objections subject to informative

Natural England – No objections

SYMAS – No objections

Cadent Gas – No objections subject to informatives

Sheffield geology Trust – No objections

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 for renewable energy
- Principle of development in the Green Belt
- Agricultural Land
- Landscape
- Heritage
- Ecology
- Transportation Matters
- Residential Amenity
- Drainage and Flooding
- Arboriculture
- Whether there are any very special circumstances which would outweigh the harm caused by way of inappropriateness, any harm to openness of the Green Belt, and any other harm.

- Any other matters

Principle of Development

Renewable Energy

The solar PV panels would have an installed capacity to generate up to 49.9MW of renewable energy which is sufficient to power approximately 18,800 homes every year.

Policy CS 30 'Low Carbon and Renewable Energy Generation' states that "*Proposals for the development of renewable and low carbon sources of energy, particularly from community owned projects, will be encouraged provided that there are no unacceptable adverse effects on:*

- a. Residential living conditions, amenity and quality of life;*
- b. Character and appearance of the landscape and surrounding area;*
- c. Biodiversity, geodiversity and water quality;*
- d. Historical, archaeological, and cultural heritage assets; and*
- e. Highway safety and infrastructure*

Careful consideration will be given to the capacity of the landscape to accommodate renewable energy developments, the ability to mitigate visual intrusion and the cumulative impact of individual sites."

The overarching National Policy Statement for Energy (NPS EN-1) and National Policy Statement for Renewable Energy Infrastructure (NPS EN-3) set out national policy for the delivery of nationally significant energy infrastructure, including renewable energy, although neither explicitly covers solar powered electricity generation or battery storage. The NPS's set out assessment principles for judging impacts of energy projects and are material considerations when considering development proposals.

The British Energy Security Strategy 2022 was published by the Government on 7th April 2022 and sets out a strategy for providing the energy we need in a safe, secure and affordable way, and at the same time ensuring that we do all we can to meet our net-zero commitments.

The Strategy confirms that accelerating the transition from fossil fuels depends critically on how quickly we can roll out renewables. Regarding solar, the strategy states "*the cost of solar power has fallen by around 85% over the past decade ... we expect a five-fold increase in deployment by 2035... For ground mounted solar, we will consult on amending planning rules to strengthen the policy in favour of development on non-protected land, whilst ensuring communities continue to have a say and environmental protections remain in place."*

The Climate Change Act 2008 (as amended) sets a legally binding target in the UK to reduce all greenhouse gas emissions to net zero by 2050. Renewable energy generation is an important part of reducing carbon emissions. Significant increase in renewable and low carbon generation, carbon capture and storage will be required to achieve the Government's net zero commitment by 2050, amongst other things. All governments (national, regional and local) have a duty to limit the negative impacts of climate change, and local authorities that recognise this should not wait for their national governments to change their policies.

In addition to the above, on 30th October 2019 Rotherham Metropolitan Borough Council declared a climate emergency and set out a plan of action to reduce the carbon emissions generated by the Council. This sets out the following targets to reduce carbon emissions in the Borough:

- a) The Council's carbon emissions to be at net zero by 2030; and
- b) Rotherham-wide carbon emissions to be at net zero by 2040.

Support for renewable energy is set out in Section 14 of the NPPF.

Paragraph 152 states: *“the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings, and support renewable and low carbon energy and associated infrastructure.”*

Paragraph 155 of the NPPF states *“to help increase the use and supply of renewable energy and heat, plans should: (a) provide a positive strategy for energy from these sources, that maximise the potential for suitable development, while ensuring that adverse impacts are addressed satisfactorily (including cumulative landscape and visual impacts); (b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and (c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers”*.

In determining planning applications for renewable and low carbon development, Paragraph 158 of the Framework confirms that local planning authorities should: *“(a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and (b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate*

that the proposed location meets the criteria used in identifying suitable areas.”

The National Planning Practice Guidance (NPPG) addresses renewable and low carbon energy and confirms that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the environmental impact is acceptable. It recognises that large scale solar farms “*can have a negative impact on the rural environment, particularly undulating landscapes*” but “*the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively*” The NPPG identifies factors to be considered when deciding a planning application and says that large scale solar farms should be focussed on previously developed and non-agricultural land, provided that it is not of high environmental value.

The proposal is for renewable energy development in the form of ground-mounted solar arrays which will contribute significantly towards the Council's renewable energy targets. As such, the proposal is considered to comply with the aims of planning policy CS30 as well as the Government and Councils wider policies to reduce carbon emissions in so far as it relates to the principle of renewable energy development, subject to the other materials planning considerations discussed below.

The principle of this particular location/site for renewable energy development will be dealt with elsewhere within this report.

Green Belt

The application site lies within the Green Belt. The NPPF identifies the 5 purposes of

Green Belt Land which are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The most important attributes of Green Belt are their openness and permanence.

Policies CS4 ‘Green Belt’ and SP2 ‘Development in the Green Belt’ largely mirror national policy. The NPPF states that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very Special Circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Inappropriate development

Both National and Local Policy establishes a presumption against inappropriate development in the Green Belt which is, by definition, harmful to

it. Development within the Green Belt is considered to be inappropriate unless it falls within one of the categories of exception set out in Paragraphs 149 and 150 of the NPPF. The proposed solar energy park and associated development does not fall within any of these categories of exception and is therefore considered inappropriate development in the Green Belt in the first instance.

Paragraph 151 of the NPPF goes on to say that “*when located in the Green Belt, elements of many renewable projects will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources*”. Therefore, Government and Local policy does not rule out renewable energy projects such as solar farms within the Green Belt, but requires very special circumstances to be demonstrated. This is assessed below in this report.

Before considering whether very special circumstances exist, the effect of the proposed development on openness and purposes of the Green Belt are considered below.

Openness

As mentioned above, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. One of the essential characteristics of Green Belts is their openness and the impact on openness must also be assessed. The impact upon openness as a result of the proposal is based on a visual and spatial assessment.

The NPPG states that assessing the impact of a proposal on the openness of the Green Belt, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

This visual impact of the proposal on the character and appearance of the area, and the surrounding area more generally, are addressed in the submitted Landscape and Visual Impact Appraisal (LVIA). This concludes that the site and surrounding area has the capacity to accommodate the development without unduly affecting the quality of the landscape. It acknowledges that the development would result in some localised adverse landscape effects and visual effects, however beyond the site boundaries these effects would reduce with distance.

The Local Planning Authority agree that the development will result in some localised adverse visual effects, and that these effects generally reduce the greater the distance from the site. Within the Green Belt, the site does not have to be wholly visible for the proposal to have a visual presence. Nearby residents as well as users of the surrounding roads and footpaths would experience a significant change in experience with views of rows of industrial man-made solar arrays and associated infrastructure rather than the current undeveloped agricultural fields that are notable for their absence of development.

Additionally, it is noted that the development includes the provision of a 3.5m high opaque fence adjacent to Todwick Road which is required as mitigation for glint and glare from the panels, this issue is discussed further in the report below. The applicants are unable to supply any images of the fence in situ at any other site, and are also unable to provide full manufacture details of the fence as it appears that such a fence has not been required/used elsewhere. The original submission showed the fence being located directly behind the existing hedgerow along Todwick Road, however it was considered that this was unacceptable from a visual aspect adjacent to the main road. The applicants then proposed to set the fence 20m back from the boundary, and after further discussions with the Local planning Authority the fence has been set back 50m into the site to reduce the impact of the fence visually.

Whilst looking at this issue, the application was requested to consider providing an planted bund adjacent to the boundary with Todwick Road as this was considered to have less of a visual impact, and less of an impact on the openness of the Green belt than the proposed fence. The applicant looked at this and concluded that a bund would be environmentally and economically unviable. They submitted evidence to demonstrate that a bund would require 44,000 tonnes of soil to create it, and that this volume of material could not be won on site so would have to be imported. Importing this volume of material would generate circa 5,000 HGV movements. Consideration also has to be given to removal of the bund at decommissioning which would generate a further 5,000 HGV movements. Taking this into consideration, along with initial estimated costs which are over £1 million, the applicants have concluded that the provision of a bund is not an environmentally or economically viable option for Common Farm. These issues are noted, and the Local planning Authority agree that the large number of lorry movements associated with providing such a bund are not sustainable and would also be environmental harmful.

Therefore, whilst the opaque fence required for mitigation purposes will have an adverse impact on the visual amenity of the area, and also on the openness of the Green Belt, the applicants have set the fence back 50m from the site boundary and have proposed significant planting, especially in areas where there are currently gaps to screen the fence. When the scheme is first implemented the impact will be greatest, especially for users of Todwick Road, however over time as the planting is established and grows the views of the fence will lessen as will its visual impact. The applicant has submitted

photomontages to demonstrate views of the fence on completion of the project, at year 5, year 10 and year 15. These show that by year 15 the fence will not be visible from Todwick Road. Therefore, it is accepted that the adverse visual impact will be in the short term only, and when weighing this up against the renewable energy to be produced at the site it is considered that on balance the short term adverse impact on visual amenity and the openness of the Green Belt is acceptable.

It is therefore considered that the proposal would thereby lead to a significant impact on the visual openness of the Green Belt.

It is acknowledged that measures have been taken to minimise the impact upon the openness of the Green Belt, including the distance between the arrays and heights of the panels, however, the proposal would introduce built form to what is currently a significant size site consisting of open fields with hedgerow boundaries. The solar arrays will be visible from certain viewpoints, although it is noted that this is minimised by proposed mitigation (including boundary treatments and screening). However, due to their mass, scale and geographical area, the resulting change of use and urbanisation of the land arising from the proposal would result in a significant change that would generate a man-made industrial character that would lead to loss of openness to the Green Belt in spatial terms.

The developer considers that the site is located on the edge of an existing settlement to the east, which is well screened and contained by roads on the southern and western boundaries and only adjoins open countryside to the north. They therefore conclude that the impact on the openness of the Green Belt is minimal as the proposal would maintain the perception of openness of the Green Belt and that the development does not result in urban sprawl, will not result in towns merging into one another, will not result in significant encroachment to the countryside and will not adversely affect the setting of an historic town. Additional to this they note that following the decommissioning of the array, the fields can be reverted back to open, agricultural land.

The Local Planning Authority do not agree with the applicants that the level of impact on the openness of the Green Belt is minimal. It is considered that there will be a significant harm to the openness of the Green Belt due to the size of the site (116ha), the provision of 5km of track and all the other associated ancillary buildings/structures. The Local Planning Authority consider that the impact of the proposal would materially change the openness of the site both in visual and spatial terms, and that even with the mitigation measures proposed would have a significant actual and perceived impact upon the openness of the Green Belt and as such the harm should be afforded greater weight than that attributed by the applicant.

The proposed development would therefore constitute an intrusion into the undeveloped countryside, and would reduce the openness of the Green Belt. This loss of openness would be compounded by proposed new, and infill, hedgerow planting and screen fencing intended to screen the development

and as a result the proposed solar farm would not preserve openness of the Green Belt.

Permanence

An aim of Green Belt policy is to keep land permanently open. Relevant case law and the National Planning Practice Guidance (NPPG) indicate that the permanence of a proposed development is a relevant material consideration in terms of impact upon the Green Belt. The proposed development has an operational life of up to 40 years. At the end of which the applicant indicates that the facility would be decommissioned and that the land could be easily returned to its former use without any significant demolition or land remediation. The applicant considers therefore that at the end of its operational life the land would have the characteristics of greenfield land, and as such the proposed development cannot be considered permanent in a Green Belt context.

Whilst it is not known whether there would be a need for a replacement facility in 40 years, this application should be determined based on what is proposed and that is for a period of 40 years and the eventual restoration of the openness of this part of the Green Belt. This matter can be controlled by condition. Whilst the identified harm to openness would persist for a very long period, albeit mitigated over time by proposed landscaping, the proposal would not result in a permanent loss of openness. However, due to the fact that 40 years is a significant amount of time only limited weight should be given to the temporary nature of the proposal in the planning balance.

Purposes of the Green Belt

As noted above in the section the NPPF sets out five Green belt purposes: (a) to check the unrestricted sprawl of large built-up areas; (b) to prevent neighbouring towns from merging into one another; (c) to assist in safeguarding the countryside from encroachment; (d) to preserve the setting and special character of historic towns and (e) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

The applicant has assessed the proposed development for its potential harm to Green Belt purposes and considers that whilst there would be a small encroachment into the Green Belt, as there are no alternative sites, due to the location adjacent to the industrial edge of the settlement and the landscape screening that it will not result in significant encroachment to the countryside that would undermine the purpose of the Green Belt.

The Local Planning Authority note that the application site is currently an undeveloped site used for agriculture, and as such the proposed development would lead to a limited effect upon the Green Belt purpose (e). The existing field pattern would be retained and there would be additional landscaping. The form and nature of the proposal would not have as great an urbanising effect compared to residential or employment development. Nevertheless, the proposed development is inappropriate within the Green Belt and there

would be moderate harm to the purpose of safeguarding the countryside from encroachment.

Green Belt Conclusion

By reason of the mass, scale and geographical extent of the proposed development, the proposal would lead to both spatial and visual harm to the Green Belt. The impact would be perceived over a large geographical area and the encroachment would result in a significant adverse effect that would have a harmful impact upon openness.

Whilst for a temporary period, the operational period of the development, at 40 years, still represents a significant period of time for the proposal to lead to loss of openness.

The Local Planning Authority therefore consider that the proposed development would result in inappropriate development in the Green Belt and is, by definition, harmful to it, and that substantial weight should be attached to the harm that would be caused to the Green Belt as required by paragraph 148 of the NPPF. An assessment of any very special circumstances is therefore required, and these will be assessed below within this report.

Loss of Best and Most Versatile Agricultural Land

The NPPF at paragraph 174 (b) states that planning policies and decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.

Annex 2: Glossary of the NPPF defines Best and Most Versatile (BMV) agricultural land as land in Grade's 1, 2 and 3a of the Agricultural Land Classification.

The application is supported by an Agricultural Land Classification Report which concludes that the Agricultural Land Classification for the whole of the development site is Grade 3b Moderate Quality. Therefore the whole of the application site is shown to be outside of Grade 1, Grade 2 or Grade 3a and is outside of the protective provision of planning policy as there is no requirement to protect land in poorer lower grades from development.

It has been noted that objections have been received on the basis of the loss of agricultural land and the loss of food production. The removal of arable production is a material consideration, but this must be balanced against the benefit of providing renewable and low carbon energy and associated infrastructure.

Assessment of Alternative sites

The application is supported by an Alternative Site Assessment which sets out why the proposed development needs to be located on this application site. The assessment looked at whether there were any other alternative sites for

the solar farm within Rotherham Borough, and the following matters were considered

- a) Available grid connection and associated capacity;
- b) Land capacity and slope direction;
- c) Agricultural land classification; and
- d) Planning and environmental constraints.

a) The assessment notes that the most important aspect of developing a solar farm is ensuring a viable connection to the electricity grid network, and without a viable grid connection there is no means of exporting and therefore utilising the renewable electricity generated on the site. The availability of a grid connection is therefore the starting point for any site selection process, the shorter the distance the less the grid connection works cost. For this size of development a site must be within 3km of a grid connection point in order to be viable, beyond this the distance the increased costs associated with grid connection would make the project unviable.

The Assessment notes that solar farms do not currently benefit from any form of subsidy, and therefore the scale of development needs to be sufficient to absorb the high costs associated with the grid connection and construction costs. Therefore, when looking for solar sites, the sites need to be of a scale that can accommodate around 40MW plus, which with current solar panel design equates to the minimum land take of about 100ha. Solar farms of the scale required to make them financially viable, circa 40MW plus, require a connection into the 66kV grid network. In addition to physical proximity to the 66kV network, there also needs to be sufficient capacity within the grid at the point of connection to accommodate the additional generation from a proposed development.

It is therefore essential for a grid connection point within 3km of the existing 66kV network with capacity to accommodate additional generation.

b) The assessment states that in addition to finding sites that have access to a viable grid connection with adequate capacity for a solar farm of sufficient scale, it is also imperative that a site is physically capable of accommodating a proposed development. For solar, it is essential that land orientation and topography are considered as a key part of the site selection. Land with irregular topography and land with limited southern exposure are generally unsuitable due to irradiation and construction considerations.

c) The NPPG states that where a proposal involves greenfield land, such as the proposed development site, the proposed use of agricultural land should be shown to be necessary, and that poorer quality land has been utilised in preference to higher quality land. The requirement to locate solar farms in close proximity to an adequate grid connection point with capacity, the size of site required to ensure viability and topography constraints requires the use of greenfield agricultural land. In line with NPPG poorer quality agricultural land has been preferred to higher quality land during the site identification process.

d) Once the above assessment of grid connection capacity, land capacity and land quality have been undertaken, it is then necessary to consider the presence of environmental and planning constraints of remaining areas.

The assessment demonstrates that there are 2 substations within the whole of Rotherham Borough that have sufficient grid capacity to accommodate a solar farm of this size, and this application site is the only one which is categorised as having a low Category of Agricultural Land Grade. Therefore, the sieve mapping exercise based on proximity to a suitable grid connection, the land quality and planning and environmental constraints identified Common Farm as the most suitable site within Rotherham to host a circa 50MW solar farm.

Landscape and Trees

Policy CS21 'Landscape' states that "*New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes. This will be achieved through the principles set out below:*

a. All new development proposals will be required to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.

b. Within Areas of High Landscape Value, development will only be permitted where it will not detract from the landscape or visual character of the area and where appropriate standards of design and landscape architecture are achieved.

c. Significant landscape features, important views including landmarks and skylines will be safeguarded and enhanced. Proposals that reduce the negative visual impact of landscape detractors will be encouraged

d. Development will respect the setting of neighbouring settlements.

e. Where opportunities exist, the Council, and its partners, will support landscape enhancement, restoration, reclamation and other environmental improvements to enhance the quality, appearance and attractiveness of the borough and encourage future investment, development and tourism.

f. Landscape works shall be appropriate to the scale of the development.

g. Developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.

h. Support will be given to initiatives, strategies and projects working towards or contributing to landscape scale conservation, implementing an integrated approach to managing the environment and all its functions."

Policy SP32 'Green Infrastructure and Landscape' states, 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.*

In preparing planning applications developers will be expected to consider:

- a. the location and function of existing green infrastructure assets in relation to the development, and the potential to contribute to wider green infrastructure networks and initiatives;*
- b. sensitively managing change in the landscape and contributing, where appropriate, to the enhancement of the urban fringe and other degraded areas having regard to identified Landscape Character Area management strategies.*
- c. the incorporation of suitable mitigation measures or; where suitable mitigation measures are not achievable on site, then development should provide appropriate compensation off site For major development of more than 10 dwellings, or more than 1,000 square metres of floorspace applicants are expected to demonstrate how they have considered the elements listed below, and to clearly set out appropriate enhancement, mitigation and / or compensation measures as appropriate:*
- d. topography and geology;*
- e. the type, location and composition of wildlife habitats and ecological networks;*
- f. the creation of new and enhancement of existing green infrastructure to enhance links, increase function, and to address deficits, priorities, needs and opportunities;*
- g. the presence, pattern and composition of existing historic landscape features including hedgerows, field boundaries, ancient and semi-natural woodland and veteran trees, and disused quarries;*
- h. the pattern, distribution and relationship of footpaths, cycleways, including Public Rights of Way and national trails, and roads to settlements;*
- i. the special qualities and landscape features which contribute to landscape character, local distinctiveness and the setting of neighbouring settlements; and where relevant, adjacent landscape character areas;*
- j. provision for sustainable long term maintenance and management including climate change adaptation.”*

The site lies within Green Belt and is characterised as being within the Central Rotherham Coalfield Farmland landscape character area, noted as having moderate-low sensitivity to potential development. The site itself does not lie within a Green Infrastructure corridor. It is, however, bordered to the east by Aston Brook/Sandbeck Green Infrastructure Corridor. The Dinnington Marsh Local Wildlife Site (LWS) is located to the east beyond the embankment of the old mineral railway line (now a surfaced bridleway) and Brampton Common LWS to the north-west. The site is currently used for intensive arable agriculture with established species poor hedgerows, wet swales and some trees including Birch, Ash and Oak species (some bird and owl boxes are also noted to be present).

The Councils Landscape Design Manager has assessed the application along with the relevant submitted information. The initial scope of the submitted Landscape Visual Impact Appraisal includes the study is 5km with a more detailed appraisal focussing on the 0-2km range from the site. A total of 7 No Representative Viewpoints have been identified, informed by a Zone of Theoretical Visibility Study (ZTV). The ZTV study maps using specialist

software the locations based on bare earth topography alone the locations from which it is theoretically possible to view the development site.

In relation to the Landscape Effects it is considered that due to the presence of intervening vegetation and built development, along with proposed mitigation planting the predicted landscape effects on the study area and the wider landscape character area are reported to be slight adverse effect.

In relation to the Visual Effects the development will result in some localised adverse visual effects. These effects generally reduce the greater the distance from the site. Residential receptors represented by viewpoints within 1-2km of the site will result slight adverse visual effect in the short-term reducing to imperceptible effects in the long-term. Residents within 500m of the site including Common Farm, Brookside, Meadow View and Sunny Bank, will initially experience visual effects ranging from moderate to substantial adverse effect in the short-term effect due to their close proximity to the development, and initial lack of boundary vegetation. This will reduce over time to slight or slight to moderate adverse effect as the mitigation vegetation matures. Road users along Common Lane and Todwick Road, and recreational user of footpath No 10 and national cycle path route 674 would result in a moderate or moderate to substantial adverse effect in the short-term reducing to slight to imperceptible adverse effect in the long term once mitigation vegetation matures.

The Landscape Mitigation proposals include the retention of existing vegetation wherever possible and gapping up of existing boundary hedgerows and new hedgerow planting within the internal field boundaries of the site. Areas of new scrub planting and wild bird seed strips will be established in key areas along with a lapwing management area. The hedgerows will be managed to allow them to grow taller up to 3.5m + in order to provide screening to the development beyond. The fields themselves will be established with species rich grassland.

In conclusion the Landscape Design Manager has confirmed that she is satisfied that both the scope and methodology of the Landscape Visual Impact Appraisal is appropriate and in line with GLVIA 3rd edition. The viewpoints selected are appropriate to represent the range and sensitivity of visual receptors which may be affected by the development, and she concurs with the findings of the LVIA and considers that landscape and visual effects are accurately presented.

In the short-term the visual effects will be noticeable and will result in moderate to substantial adverse effects. The long-term landscape and visual effects are limited in magnitude and not considered to be significant. The diminishing magnitude of effect is largely predicted to be due to the change in management of the existing hedgerows and the new hedgerow and scrub planting proposed. I am confident that the landscape and visual effect arising from this development can be managed and mitigated and will not result in long-term permanent adverse effects.

There are no trees within or adjacent to the application site which are protected by Tree preservation Orders, nor are there any ancient or veteran trees, ancient woodland or wood pasture and parkland or traditional orchard habitats within or adjacent to the site.

The application was submitted by a Tree Survey, however through the application process the applicant was requested to also undertake and submit an Arboricultural Impact Assessment (AIA) with Tree Impacts Plan to be able to fully understand the impact of the development on the existing trees. The submitted AIA report concludes that the proposed development will necessitate the removal of 6 trees and short sections of 2 hedgerows. These are all assessed as being low impact and that the new landscaping that forms part of the proposed development will compensate for their loss. There is a section of the access track in the north eastern corner of the site, just to the south of the lapwing management area where the track in its current location impacts upon a category 'B' tree. It is proposed that within this area that the track is installed with no-dig methods and that the track footprint is moved 1m away from the stems. It is also recommended that no dig methods are used to construct the track in the vicinity of T105 in the centre of the site. We will ensure that these measures are complied with during construction.

The AIA also sets out that the trees and hedgerows that are to be retained will be protected during the proposed works with tree protection fencing. Around the boundary of the site it is proposed that the site security fencing shall be utilised for tree protection to avoid the need for double fencing during construction.

The Councils Tree Consultant has assessed the submitted additional information and has stated that who has commented that the document is of a good standard and its findings are generally accepted. He notes that the proposal will necessitate the removal of 6 trees, one category B tree, whilst the others are all lower value, he also notes that the proposed new soft landscaping will largely mitigate for the removals required. He concludes that an Arboricultural Method Statement (AMS) with Tree Protection Plan (TPP) will be required, however notes that this can be secured as part of a Pre-commencement Planning condition.

It is therefore considered that the proposal is acceptable in terms of its impact on the landscape and trees and that the proposal complies with Policies CS21 landscapes and SP32 Green Infrastructure and Landscape'.

Heritage

NPPF at paragraph 199 states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*

Paragraph 200 goes on to state that *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”*

Policy CS23 ‘Valuing the Historic Environment’ aims to conserve, enhance and manage Rotherham’s historic environment, and proposals will be acceptable which enhance the heritage significance and setting of the boroughs heritage assets, specifically those elements which contribute to the distinct identity of the borough.

Policy SP40 ‘Listed Buildings’ states, in part, that *“Development proposals affecting a Listed Building or its setting will be considered against the following principles:*

c. the Council encourages the development of good quality, contextual design, including any development within the setting of Listed Buildings. Development which has an adverse effect on the setting of Listed Buildings will not be acceptable;”

Policy SP42 ‘Archaeology an Scheduled Monuments’ states that *“Development proposals that may impact upon archaeology, whether designated as a Scheduled Ancient Monument or undesignated, will be considered against the following principles:*

a. development that would result in harm to the significance of a Scheduled Monument or other nationally important archaeological site will not be permitted;

b. the preservation of other archaeological sites will be an important consideration. When development affecting such sites is acceptable in principle, the Council will seek preservation of remains in situ, as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for archaeological recording to ensure an understanding of the remains is gained before they are lost or damaged, in accordance with Policy SP 43 ‘Conserving and Recording the Historic Environment’”

Policy SP43 ‘Conserving and Recording the Historic Environment’ states in part, that *“All proposals affecting a heritage asset will require careful assessment as to the impact and appropriateness of development to ensure that the historic, architectural, natural history, or landscape value of the asset and / or its setting are safeguarded and conserved, and any conflict avoided or minimised in accordance with the policies of this Local Plan.*

Development proposals that affect known or potential heritage assets will need to provide supporting information in sufficient detail that the impact of the proposed scheme on those heritage assets can be established, in line with the following approach:

b. proposals on other sites will be required to submit a Heritage Statement if development would affect a known or potential heritage asset.

Heritage Statements should consider the impact of the specific development proposed with regard to: the setting of heritage assets on or in the vicinity of the site; detailed archaeological assessment; and the results of field evaluation”

Policy CS30 ‘Low Carbon & Renewable Energy Generation’ , part 2 sets out sets out that proposals for renewable energy and low carbon sources of energy will be encouraged provided that there are no unacceptable adverse effects on d. Historical, archaeological and cultural heritage assets.

The site contains no designated or non-designated heritage assets.

Historic Heritage

In this regard the main historical heritage impact is considered to be on the setting of the Grade I Laughton-en-le-Morthen Church of All Saints. The other significant designated heritage asset close to the site is Brampton-en-le-Morthen Conservation Area. However, owing to the distance from the Conservation Area and the surrounding landscape, it is considered that it does not impact on the setting.

The Grade 1 Church of All Saints is located 1.8km north east of the application site, the Spire can be seen along Todwick Road and Common Lane and the proposed solar farm would impact on the views to the Church from these vantage points, by industrialising/urbanising the landscape in this location. The proposed development is unlikely to materially affect views from the Church (though would still be visible from certain viewpoints) and is significantly distant not to impact on its immediate setting.

The low rise nature of the solar farm would not impede views to the Church from Common Lane or from Todwick Road and therefore it is considered that it would not lead to harm to the setting of this Grade I Listed Building sufficient to warrant a refusal on this basis. Furthermore, the Solar Farm would not impede views to or from the Church from other vantage points in the wider landscape.

There is clearly harm to the setting of the Listed Building at the lower end, from the closest vantage points. The NPPF, at paragraph 202 states that “where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.” In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. The harm caused would be a low level of less than substantial harm for the purposes of the NPPF. This should be balanced in against any public benefit delivered by the proposals in accordance with paragraph 196 of the NPPF.

Archaeological Heritage

In relation to Archaeological heritage assets, the scheme is considered to have archaeological implications, and as such South Yorkshire Archaeology Service have been consulted on the application and provided comments and recommendations. The application is supported by a Heritage Statement and Geophysical Survey (Magnitude Survey) which have identified a high potential within the application area for buried archaeological remains. These include probable field systems, trackways, enclosures, and ring ditches of a form suggestive of multi-phased late prehistoric to Romano-British activity. Settlement activity of this period in South Yorkshire is still relatively poorly understood, with current knowledge suggesting the area possess a regional form that departs markedly from conventional narratives. The identified potential archaeological remains within the application area are of particular interest due to their apparent complexity and density and their location within a region where the pattern of settlement is poorly understood. The investigation of such sites is a focus of several research questions in the South Yorkshire Historic Environment Research Framework. As such, the buried archaeological remains within the application site are identified to be potential non-designated heritage assets of archaeological importance.

The NPPF at paragraph 203 states that “*the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.*” The level of weight afforded is to be proportionate to the scale of harm and the significance of the asset. Local Plan policy SP42 states that development affecting archaeological remains of national importance will not be permitted; and that preservation in situ of other remains is preferred. NPPF paragraph 205 and Local Plan Policy SP42 go on to indicate that where harm is permitted, a record of affected remains will be required in advance of loss or damage.

The proposal will include extensive ground disturbance, including soil stripping for compounds and trackways, trenching for cable runs and foundations for substations and solar arrays. These works have the potential to harm or destroy important archaeological evidence that may exist within the site. The submitted Archaeological Statement of Intent details a strategy to minimise or avoid such harm through a combination of investigation to establish archaeological interest, and a variety of construction measures (including areas of no-dig construction) to achieve preservation in situ of important remains. This approach has been formulated in pre-application discussions with SYAS. SYAS recommend that this scheme of mitigation is secured by attaching relevant conditions, and in this case raise no objection to the application.

In relation to the impact on Historical and Archaeological Heritage as above, it should be noted that the proposal provides renewable energy benefits resulting in the creation of 49.9MW of renewable energy which can be considered a clear public benefit.

Biodiversity

Policy SC20 'Biodiversity and Geodiversity' states, in part, that "*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 in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.*"

Policy SP33 'Conserving and Enhancing the Natural Environment' aims to conserve and enhance existing and create new features of biodiversity and geodiversity value, and that development will be expected to enhance biodiversity and geodiversity on site with the aim of contributing to wider biodiversity and geodiversity delivery. It states that development that contributes to the preservation, restoration and creation of priority habitats or geological features, ecological networks, ecosystem services and the protection and recovery of priority species populations, will be supported.

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

Development that would either directly or indirectly, adversely affect a non-statutorily protected site will not normally be permitted. An exception should only be made where the need for the development in that location outweighs both the impact on the site's intrinsic interest and any broader impacts on the national network of protected sites, and that adequate mitigation and / or compensation measures can be delivered.

Before any development or land use change that may affect a protected site is commenced any measures considered necessary to mitigate or compensate for any harm to the site or its features of interest must be agreed and put in place.

Development adjacent to a protected site will be expected to incorporate adequate buffer zones or other measures to support the conservation of protected sites.

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

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

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

Policy SP 35 'Soil Resources' requires developments to demonstrate that suitable use of soils during construction and operation stages.

Policy NE 1: Biodiversity reiterates the support offered by the Local Plan for proposal which conserve, enhance and incorporate biodiversity in and around them.

The supporting information identifies that there is a small part of a Local Wildlife Site within the application site boundary, the remainder of the site mainly consists of arable fields with some woodland, hedgerows, and grassland.

The application was supported by a Preliminary Ecology Assessment, Ecology Impact Assessment, Biodiversity Management Plan and Biodiversity Metric Assessment which provides an assessment of the ecological effects in relation to the proposal.

The Preliminary Ecological Assessment concludes that the development has the potential to negatively impact a range of sensitive habitats and species. The Ecological Impact Assessment contains details of surveys for Great Crested Newts and Breeding Birds, which conclude that the GCN were likely absent from the site, and that the site supports a range of breeding birds typical of the habitats present.

A Biodiversity Management plan has also been submitted with the application which addresses issues set out in the above reports, and covers the construction, operational and decommissioning phases of the development. It incorporates landscape and biodiversity mitigation and enhancement measures which have been combined as they are closely related. This is considered to be acceptable and should be conditioned to secure compliance.

The proposed mitigation and enhancements will increase species diversity with a range of wildflowers and grasses on land which is currently a monoculture used for crops. Native wildflower grass planting will encourage a diverse range of invertebrates creating increased foraging opportunities for badgers, bats and reptiles. Areas of a longer sward such as grass verges will also be beneficial for sheltering reptiles and small mammals. Proposed shrub and hedge planting will deliver a diverse range of pollen, nectar, berries and shelter resources throughout the year, benefitting multiple protected species such as: foraging bats, nesting and foraging birds, and sheltering reptiles and small mammals. Overall, these proposed enhancements will see the creation of ecological features and habitats that will complement those already existing within the site.

Biodiversity Net Gain

The NPPF, paragraph 174 states that “*Planning Policies and decisions should contribute to and enhance the natural and local environment by... minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*” The NPPG states “*net gain in planning describes an approach to development that leaves the natural environment in a measurably better state than it was beforehand.*”

The NPPG provides examples of how biodiversity net gain can be achieved. Suggested measures include “*creating new habitats*” and “*enhancing existing habitats*”. The Environment Act received Royal Assent and became an Act of Parliament in 2021. Subsequently, a mandatory 10% Biodiversity Net Gain (BNG) is likely to become law in 2023 (November). Until this point, a net gain is still required in line with the NPPF.

The application has been supported by a Biodiversity Metric Assessment. This outlines that to facilitate the development there will be some habitat removal predominately low value arable land and small areas of ruderal habitat and scrub. 37m of hedgerow and 32m of arable drainage ditch also require removal to accommodate access tracks. Arable land will be replaced by species rich grassland of greater ecological value and species diversity in and around the solar panels. Additional scrub will also be created within Brampton Common LWS, in line with the sites long term habitat targets. A section of arable land will be retained as a lapwing protection area and wild bird strips will be created on grassland field margins. All woodland within the site boundary will also be retained as is.

The Metric calculations have shown that there will be a 69.41% net gain in biodiversity habitat units overall. The number of habitat units onsite will increase from 262.6 to 444.86, predominantly due to the removal of arable to facilitate the development and underlying neutral grassland. Hedgerow units will also increase from 27.16 to 49.98 units (an 84.03% increase) due to additional hedgerow planting and enhancement. River units within the site, comprising only arable drainage ditches, increase from 17.96 to 20.09 units post-development (an 11.85% increase). This is due to the cessation of agricultural practices and associated run-off in into the riparian system.

It therefore concludes that through habitat creation and enhancement detailed in the Ecological Impact Assessment report, the Biodiversity Management Plan and the Landscape Strategy Plan, the development will deliver an overall net gain of 69.41%. This exceeds the statutory requirement to provide a minimum 10% biodiversity net gain as stipulated by the Environment Bill 2021.

The applicant has submitted additional information and states that they, believe that following the establishment of the habitats proposed within the Biodiversity Management Plan that the biodiversity within the site will increase significantly, both botanically and in terms of the numbers of animal species using the site compared to the existing baseline. They note that farming has a

profound impact on biodiversity and the site lies within a landscape dominated by arable. The inclusion of grassland within the area will improve the habitat mosaic, offering more varied opportunities throughout the year to support a greater range of species.

In a response to an issue raised by the LPA regarding the potential impact of shading of the solar panels on the ability of plant growth, they have responded that whilst this may initially be a problem, however every effort will be made to allow the grassland to establish successfully under good management. For example the meadow grassland mix proposed is composed of shade tolerant species, which should enable establishment of the grassland.

In relation to monitoring of the site, the proposal is that monitoring will be undertaken annually for the first 5 years and from years 5 to 40 every 5 years to assess the success of the biodiversity mitigation/enhancement measures. The result of the monitoring will inform the ongoing habitat management of the site.

Birds

The site has the potential to support a range of breeding birds, including species of conservation concern. Without mitigation, and depending on the time of year that works are carried out, it is possible that the construction of the Development will negatively impact breeding birds.

An objections have been received to the application in relation to the impact on breeding birds, and the applicant has provided further information in this regard as a result of numerous meetings that have taken place between the Councils Ecologist and the applicants Ecologist. This includes a Ornithology Technical Note which includes details of mitigation measures specifically in relation to Lapwing and Skylark. The objector was reconsulted on the amended/updated information and has commented that "*the amendments are much better than previously submitted not perfect but a compromise*" He has asked that it is noted that all works are carried outside bird breeding time, and an informative regarding this legislation is to be attached. He has also requested that the bird group would like to be involved with monitoring the birds at the site.

Lapwing

The proposal allows for a 5.8ha lapwing mitigation area in the north of the site. This area is already used by lapwing, and as such it is proposed to maintain the existing farm habitats as the most effective means of reducing or avoiding potential adverse effects. The area will continue to be farmed in a way that is sympathetic to the requirements of breeding birds, this will include

- Spring sown arable crop will be farmed whenever possible.
- An uncropped fallow plot will be established within the crop. The plot will be a minimum of 1 ha in size and not located within 50 m of woodland or hedgerow trees and created before mid-march and retained until the crop is harvested.

- Measures will be in place for the duration of the lifetime of the Development.
- Measures will be reviewed annually

The applicants also note that the baseline bird survey data was collected in spring 2021, however, a letter received in support of the development provided details of lapwing presence in 2022 from a local bird recorder who, with permission of the landowner, visits the Site for birdwatching and bird ringing.

Skylark

Information submitted with the application indicate that territorial skylark were present within the site during the baseline surveys, and therefore assumed to be breeding in arable habitats present.

Evidence regarding the use of solar developments by skylark is mixed. Skylark do use solar developments, with studies by Montag, et al. (2016), unpublished RSPB-funded study, and Solarview reports produced by Clarkson & Woods, showing the species as present within the respective study sites. Behavioural observations within these studies show skylark to be holding territory within solar developments which would suggest that some skylark would attempt to nest within solar developments. There is no published robust evidence that they do not nest within solar sites, however, none of the published studies have searched for nests and, as such, there is also no evidence that they do. Given the uncertainties and inconsistencies in the evidence base, a precautionary approach is to assume an adverse effect and provide mitigation. It has been acknowledged that solar developments can provide foraging resources for skylark, so measures proposed are to encourage nesting within the operational Site. These include-

- A minimum of five hectares will be left free of panels to encourage skylarks to continue nesting, areas will be a) a minimum of 0.3 ha in size, b) a minimum of 40 m wide, c) greater than 30 m from hedgerows or Site security fencing and d) Mammal gates, as required by the EclA, will be located away from the open areas of grassland, to further minimise the chance of predation.
- The Site, including between arrays and open areas, will be planted with a suitable seed mix and will be managed sensitively for skylark
- Measures will be reviewed annually

An Ornithology Management Plan has been submitted in support of the application which identifies the mitigation features proposed. The site will be monitored during the operational phase of the development. This provides an opportunity to test predictions in the EclA and monitor the proposed mitigation and enhancements to ensure efficacy and any remedial actions are identified. Surveys will take place in the first spring of operation, then years 2, 3, 4 and 5, and at five yearly intervals thereafter.

An annual report will be produced and provided to the Local Planning Authority detailing results of the monitoring and include any recommendations for changes to the habitats or management within the Site. If any significant

decrease in skylark or lapwing populations within the Site (and/or survey area) are recorded over a period of at least two years and are reasonably attributable to the solar farm, remedial action may be required, such as a change to the habitat management.

Soils

The applicants have submitted justification in relation the impact on the soil on the application site and have stated that throughout the lifetime of the solar farm, it is likely that soil quality will improve due to the cessation of arable practices, including fertiliser use and soil disturbance through ploughing. A study by Conant et al (2017) suggests that conversion from cultivation and improved grassland management increases soil organic carbon. Higher soil organic carbon promotes soil structure, improving soil aeration, water drainage and retention and reducing the risk of erosion and nutrient leaching. Measures detailed within the Biodiversity Management Plan, including tree and hedgerow planting will also reduce soil erosion on site. There is a need for detailed site investigation prior to the commencement of development including details of soil management and storage during the construction process in order to meet the requirements of Local Plan policy SP36, which can be secured by condition.

Decommissioning

The Ecological Impact Assessment submitted with the application notes that decommissioning surveys will be required at this time to identify the need for mitigation or best practice measures at this time. These decommissioning surveys should be conditioned.

Objections have been received in relation to deer that have been seen at the site. In this respect the Preliminary Ecological Appraisal, Paragraph 4.3.9, sets out that Roe Deer footprints were identified to the north of the site, adjacent to the woodland block, but the species is not of conservation concern, and therefore no further survey or assessment work was required.

The Councils Ecologist has assessed all the submitted information regarding biodiversity issues, and after requiring the submission of additional/amended information she does not raise any objection to the final scheme, provided that conditions are attached to any permission to secure the required mitigation and monitoring. In this respect it is considered that the proposal complies with Local Plan policies and the NPPF.

Transportation Matters

Policy CS30 'Low Carbon & Renewable Energy Generation' notes that proposals for renewable and low carbon sources of energy will be encouraged provided that there are no unacceptable adverse effects on highway safety and infrastructure.

A Transport Statement has been submitted in support of the application which has been assessed by Councils Transportation Officers who have noted that it demonstrates that the vehicular traffic likely to be generated during the construction phase will not have a material adverse impact, and that post

construction traffic to the site will be minimal. The Transport Statement notes that –

- Access to the site will be from a new junction onto Long Road.
- The construction period of the solar farm, is to last approximately 9 months.
- Month 2 of the construction phase, is forecast to be the ‘busiest’ month with a maximum daily number of 32, two-way HGV trips. In addition, the number of daily construction personnel and non HGV deliveries is shown as 30 two way trips per day. This number of vehicles represents a minor increase in the number of vehicles currently travelling using Long Lane.
- Deliveries to the site will be made using vehicles up to 16.5m in length, with the identified route to the site being via M1 (if applicable), Todwick Road, Pocket Handkerchief Lane, Common Road and Long Lane, all of which are capable of accommodating the turning movements of these vehicles.
- Temporary parking will be made available on site, to accommodate the construction workers and smaller deliveries.
- The visibility splay provided at the access, will be 2.4m x 215m in both directions and will be maintained to ensure this visibility remains.

It is also noted that a public right of way (Thurcroft footpath No10) also runs through the site, and the Public Rights of Way Officer has raised no objections to the application.

Access to the site will be taken from a new junction onto Long Road. The construction period is due to last between six to nine months, and it is during this period that it is expected that the site will generate the greatest traffic, 32 HGV two-way movements and 30 two-way car/LGV movements per day. This only represents a 2% increase in total traffic on Long Road, and a 6% increase in HGV traffic in the vicinity of the site. During the construction phase a Construction Traffic Management Plan will be secured via a planning condition to ensure acceptable mitigation measures are put in place to ensure highway safety is not compromised.

Once operational the proposed development will generate minimal traffic, only on a maintenance and repair basis.

The application is supported by a Glint and Glare Assessment to assess the possible effects of glint and glare upon surrounding road users and railway operations. The report has concluded that due to intervening vegetation there will be no impacts on railway operations or infrastructure. With regards to road users, the Glint and Glare Assessment assessed the impact on drivers on Long Road and Todwick Road. When mitigating factors such as the existing hedgerows are taken into consideration no impact is predicted on users of Long Road. However, a high impact is predicted for 300m section of Todwick Road for users travelling south-west, and mitigation in the form of 3.5m screening is required in the form of an opaque fence to be erected behind the existing vegetation along Todwick Road to provide the mitigation required. Gaps in the existing vegetation gapped up. Once the gaps are filled in and the

vegetation has reached 3.5m in height, the fence will be removed as the vegetation will provide the screening.

In relation to the railway, Network Rail have been consulted on the application and have confirmed that they have no objection to the development in principle, however they note the inclusion of a Glint and Glare study that includes an assessment of the impact of the proposed scheme upon the nearby operational railway. Whilst they agree that it is likely that the impact from the scheme should be minimal, they request that a condition to monitor this situation is included to ensure that in the unlikely event of glint and glare issues associated with the site being reported by train drivers that mitigation measures will be undertaken by the developer.

The Transportation Officer raises no objections to the application as it has been demonstrated that the local highway network has the capacity to accommodate the development, and with mitigation measures the proposal will not have an unacceptable adverse effect on road safety. Conditions are also recommended to ensure the provision of a safe access prior to the commencement of the development. This mitigation is acceptable in terms of highway safety, and the proposal is considered to be in accordance with Policy CS30.

Residential Amenity

Policy CS30 'Low Carbon & Renewable Energy Generation' notes that proposals for renewable and low carbon sources of energy will be encouraged provided that there are no unacceptable adverse effects residential living conditions, amenity and quality of life.

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

When determining planning applications, particular consideration will be given to:

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

Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals.”

Noise

A Noise Impact Assessment has been submitted in support of the application, which assessed the noise generated by the operational phase of the proposed development. This indicated that the noise associated with the proposed development would be of a low impact, however during the more noise sensitive evening and night-time periods, it has been found that sound from the development is unlikely to be audible to the residents, and as such no noise mitigation measures are required/proposed.

The Councils Environmental Health Officers have assessed the application as well as the submitted Noise Impact Assessment and have acknowledged that it demonstrates that the proposed development would have a low impact on all potential noise sensitive receptors. They note that provided the proposed rating level of the plant/equipment does not exceed the existing background noise levels, so as not to cause any significant adverse impact then they do not foresee any issues with regard to the proposed usage.

There is potential for noise/dust to occur during the construction phase and so conditions should be attached to ensure that this is minimised.

Glint and Glare

A Glint and Glare Assessment has been submitted in support of this application which provides an assessment of the possible effects of glint and glare from the proposed development, this includes the following definitions:

- Glint – a momentary flash of bright light typically received by moving receptors or from moving reflectors.
- Glare – a continuous source of bright light typically received by static receptors or from large reflective surfaces.

The report notes that there is no formal guidance regarding the maximum distance at which glint and glare should be assessed. From a technical perspective, there is no maximum distance for potential reflections. The significance of a reflection however decreases with distance because the proportion of an observer's field of vision that is taken up by the reflecting area diminishes as the separation distance increases. Terrain and shielding by vegetation are also more likely to obstruct an observer's view at longer distances. The above parameters and industry experience over a significant number of glint and glare assessments undertaken, shows that a 1km assessment area from the proposed development is considered appropriate for glint and glare effects on ground-based receptors. Reflections towards ground-based receptors located further north than any proposed panel are highly unlikely. Therefore, receptors north of the most northern panel areas

have not been modelled within the report.

The report has looked at dwellings which are within 1km of the site and have a potential view of the panels, this is a total of 14 dwellings.

The process for quantifying impact significance is defined in the report, for dwelling receptors, the key considerations are:

- Whether a reflection is predicted to be experienced in practice.
- The duration of the predicted effects, relative to thresholds of:
 - 3 months per year.
 - 60 minutes per day.

Where effects occur for less than 3 months per year and less than 60 minutes per day or where screening is predicted to reduce effects within this threshold, the impact significance is low, and mitigation is not required. Where effects last for more than 3 months per year or for more than 60 minutes per day, the impact significance is moderate and expert assessment of any mitigating factors is required to determine the mitigation requirement (if any). Of particular relevance is the level of likely screening, the separation distance between the reflecting panels and the receptor location, the extent to which effects coincide with direct sunlight, and whether solar reflections will be experienced from above the ground floor of the dwelling.

Where effects last for more than 3 months per year and more than 60 minutes per day, the impact significance is high, and mitigation is required.

The results of the modelling indicate that solar reflections are geometrically possible towards six out of the 14 assessed dwelling receptors. For these dwellings reflections are expected to last for more than 3 months a year but less than 60 minutes per day.

Once the existing screening is taken into consideration the only dwelling experiencing reflections is Common Farm House. However, the unscreened solar reflections will occur for less than 3 months per year and less than 60 minutes per day. Therefore, the maximum impact predicted is low and no mitigation is required.

The report concludes that solar reflections are geometrically possible towards six out of the 14 assessed dwelling receptors. For these dwellings reflections are expected to last for more than 3 months a year but less than 60 minutes per day. However, when the existing screening is taken into consideration the duration of effects is expected to reduce significantly and therefore a low impact is predicted for which no mitigation is necessary.

The Environmental Health Officer has assessed the submitted report however it is noted that there is no Government Guidance/British Standard to assess it against. Page Power who undertook the survey have undertaken over 900 such assessments and they have also published the fourth edition of their Solar Photovoltaic and Building Development – Glint and Glare Guidance, which has been produced based on their industry experience and extensive

consultation with industry stakeholders. The aim of the guidance, with the lack of any formal guidance around glint and glare assessments, is to produce a standardised methodology for PV developers, planners and stakeholders to follow, and it is understood that it is now referred to internationally.

The methodology has also been tested in planning appeals. On this basis the findings of the Glint and Glare Report are accepted, and the impact on residential amenity is considered to be low impact.

Residential Living Conditions, Amenity and Quality of Life.

The closest dwellings to the site are located on Common Road, Todwick Road, Long Road and Hardwick Lane, Hawkhill Lane, Laughton Common Road as well as Common Farm itself which is not within the red edge application site but is situated within the development site.

Taking into account the above issues relating to noise and glint and glare, the Landscape Visual Assessment also considers the impact of the proposed development on residential amenity from a landscape and visual point of view on residential properties in the vicinity of the site. This concludes that visibility of the solar farm from the closest residential properties would be very limited, and the most noticeable effects would be experienced by residents of Common Farm.

It is noted that the solar arrays would be visible from some of the dwellings, particularly from first floor level, which would result in a significant change in outlook, however given the single storey nature of the solar panels, the existing and proposed planting along boundaries and the general level of separation between most of the residential properties, apart from Common Farm itself, would result in a minimal level of impact on residential amenity.

It is noted that the greatest impact is likely to be on the residents of Common Farm, who would experience substantial adverse effects initially due to the lack of boundary vegetation and close proximity to the proposed development. In the medium to long term (5-10 years), hedgerows will have grown and are likely to screen more of the view although open views from the first floor would still be visible. It is therefore considered that the long term effect would be slight -moderate adverse.

It is also noted that during operation the arrays themselves do not emit any noise, smell, light or other pollutants. The associated plant may generate some noise, however this is proposed to be managed at an acceptable level and this can be secured via condition.

It is acknowledges that during the construction phase there may be some level of disturbance to the closest dwellings, however the construction would be for a temporary period and a Construction Management Plan would be in place to minimise any such impacts on residents.

Therefore, taking into consideration the short term adverse impact on the occupiers of Common Farm which is surrounded by the application site, and

weighing this up against all other matters, it is not considered that the proposal would create an unacceptable adverse impact on residential amenity of surrounding residents which would warrant refusal of the application, and that the proposal is in compliance with Local Plan Policies CS30 and SP52.

Drainage and Flood Risk

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..... Proposals should demonstrate that development: a. has been directed to areas at the lowest probability of flooding by demonstrating compliance with the sequential approach*"

Policy SP47 'Understanding and Managing Flood Risk and Drainage' expects proposal to demonstrate an understanding of flood route of surface water flows through the site, and to control any surface water run off through sustainable drainage methods.

Policy within the NPPF advocates a sequential approach for the planning process to steer development to areas with the lowest possible risk of flooding. The NPPG categorises the proposed development as 'Essential Infrastructure' – it is an energy production facility that must remain operational during a flood.

The application has been supported by a Flood Risk Assessment, which concludes that the proposed development is not at risk from fluvial flooding (from a watercourse or body) as the entire site falls within Flood Zone 1, however parts of the north west of the site are at high risk of pluvial flooding (in extreme rainfall events, independent of a waterbody). The substation and site access are located in areas at low risk of pluvial flooding, the areas identified using the EA flood maps as high likelihood of flooding are around the proposed solar panels. The majority of the solar panels will be raised off the ground, so any flow will pass underneath them.

The proposed development has been designed so it does not increase the runoff from the site. In areas at risk of pluvial flooding the foundation type will be based on a pile arrangement to ensure impacts on overland flows are minimised. The vast majority of the access tracks will be made from permeable material. Runoff from the hardstanding area in the substation will be addressed through either infiltration arrangements if the underlying strata is suitable or via an attenuation arrangement and discharged into the local watercourses at an attenuated rate.

The Councils Drainage Engineers have been consulted on the application and have made no objection. They have recommended a condition to be attached to any permission requiring the approval of the surface water and land drainage systems. The proposed development is therefore considered to be acceptable in terms of drainage and flood risk, in compliance with policy CS25 and SP47.

Other Matters

The applicant has submitted supporting information which outlined the benefits associated with the development which are listed below –

- “a) Over its lifecycle the proposed development is expected to require a total investment of £61.2 million. This will comprise construction contracts, land costs, maintenance, and decommissioning. Through our Connect2Renewables initiative Banks Renewables will seek to maximise the percentage of this investment that is spent locally.*
- b) In addition, the construction and operational works will generate ancillary benefits for the local economy through purchasing of accommodation, food, and drink by the workforce.*
- c) Contribute to the diversity and security of the UK’s energy supply by generating electricity from a sustainable, indigenous resource and providing energy storage facilities.*
- d) By utilising a technology that is recognised as one of the lowest costs forms of generating electricity helping to ensure future energy bills are minimised.*
- e) Up to £50,000 per year will be made available for local groups and projects via the Banks Community Fund (this equates to a total of £2 million over the 40-year operational period).”*

In relation to the Community Fund, it is noted that Todwick and Anston Parish Council have asked to receive a share of this. In this respect the applicant has submitted further information outlining how the fund will be managed and distributed.

The applicants have stated that the proposed development will have an associated community benefits package which will be made available to local groups to support a range of social, economic, and environmental projects that benefit the local area.

Over the 40-year operational period of the project, it is anticipated that the package will generate over £2 million in total which equates to up to £50,000 each year (and is index linked every five years). They have stated that 50% of the annual fund will be ring fenced for sustainability initiatives for the first 5 years. After the initial 5-year period this would be reviewed to ensure that the fund is achieving its objectives and stays up to date with current initiatives.

The applicants have undertaken a feasibility study to understand the potential for creating a community based electric vehicle car club. The study found that there is interest from the local community to deliver a community electric vehicle car club. Therefore, Banks Renewables are committed to working with the local community to explore the opportunity of using the 50% of the fund ring fenced for sustainability initiatives for the first 5 years to deliver an electric vehicle car club within the local area.

The applicants have also confirmed that as with every community package associated with a Banks renewables energy project, the fund would be administered on Banks Renewable’s behalf by the County Durham

Community Foundation in consultation with a Community Fund Committee, which will be made up of representatives of the local parishes surrounding the solar farm etc. Geographical boundaries for fund eligibility and the makeup of the Community Fund Committee in consultation with the local community and the Council will agreed post consent but prior to the site becoming operational. The results of these discussions along with other fund criteria, will be set out in fund guidelines, similar to those in place for the Penny Hill Wind Farm Community Fund.

Banks Renewables will sign a unilateral undertaking to secure these benefits. The agreement will be drafted on the following basis:

- An annual payment of up to £50,000, RPI index linked every 5 years.
- 50% of the fund to be used for sustainability initiatives for the first 5 years. There will be a review of the fund on a 5-yearly basis to ensure that the ring-fencing initiative is appropriate and continues to deliver social, economic, and/or environmental benefits for the community.

In addition to the above socio-economic benefits, the applicants also put forward the below socio-environmental benefits –

- “a) Production of up to 49.9MW of renewable electricity which is sufficient to power approximately 18,800 homes every year;*
- b) Assist in ensuring we have a reliable, stable and balanced electricity grid through the provision of energy storage facilities;*
- c) Save an estimated 11,470 tonnes of carbon per annum¹ which equates to 458,800 tonnes over its lifetime;*
- d) Contribute to the attainment of the Governments renewable energy and net zero targets;*
- e) Make a significant contribution to addressing Rotherham Metropolitan Borough Councils climate emergency and attainment of their net zero targets; and*
- f) Provision of ecological enhancements including creation of a species rich habitat underneath the solar panels, areas to be managed for the benefit of birds, installation of bat boxes and bird boxes and new hedge row planting, which will achieve a biodiversity net gain of 69.41%, well above the expect 10%.”*

Whether there are any very special circumstances which would outweigh the harm caused by way of inappropriateness, any harm to openness of the Green Belt, and any other harm.

As noted above the NPPF identifies that many renewable energy projects in the Green Belt will comprise inappropriate development, and in such cases, developers will need to demonstrate very special circumstances which would include the wider environmental benefits associated with the increase production of energy from renewable sources. Whilst this lends support for renewable projects in the Green Belt it does not confer an automatic approval of such schemes, where the effects of such development must take into account a broad range of issues in mind of the general presumption against

inappropriate development and the resultant substantial harm conveyed to the Green Belt by this.

The benefits of renewable energy raise substantial benefits in favour of the proposal. These benefits are recognised in the Council's Local Policies and National Policy in accordance with the Climate Change Act of 2008. It is also clearly identified, in Section 14 of the NPPF, where it seeks to increase the use and supply of renewable and low-cost energy and to maximise the potential for such suitable development. The delivery of suitable renewable energy projects is fundamental to facilitate the country's transition to a low carbon future in a changing climate. The proposed development would produce 49.9MW which would provide energy for 18,800 homes which would substantially contribute to achieving both local and national net zero targets.

In terms of Very Special Circumstances the greater the renewable energy generation the greater the weight given to this as a material consideration, but that does come with greater spatial and visual impacts. Notwithstanding the large scale of the proposal, the landscape impacts are relatively localised due to topography and existing landscaping, whereas the renewable energy generation would be substantial compared to existing renewable energy generation in Rotherham.

Also, the applicant has demonstrated that the application site is the only suitable site within Rotherham. Rotherham's Green Belt covers approximately 72% of the Borough, which when coupled with site selection requirements for a viable solar farm, which include proximity to a substation with sufficient capacity to accommodate the proposed development, the site being of a sufficient scale to accommodate a scheme large enough to ensure financial viability, site orientation, agricultural land classification and planning and environmental sensitivities, mean that for developments of the nature proposed there is no alternative but locating it within the Green Belt. The applicant has therefore demonstrated that a rational approach was taken to site selection lending support for the selected site, and that evidence has been submitted to justify a solar farm in this Green Belt location.

The development would cause harm to the Green Belt due to its inappropriateness, loss of openness and conflict with a Green Belt purpose. However, the harm to the Green Belt would not be permanent, which is material given that the fundamental aspect of the Green Belt is not only its openness but also its permanence. The NPPF requires substantial weight to be given to any harm to the Green Belt. The development would also result in visual and landscape harm. The harm will not be permanent, albeit the 40-year life of the proposed development is very long. There is no reason to believe that the site cannot be fully restored following decommissioning.

Other benefits of the proposal is the 69.41% biodiversity net gain which is proposed to be delivered which will deliver a significant improvement in the habitats present on the site. The proposal will also provide Economic and Social benefits with a total investment of approximately £61.2 million over its lifetime, in addition a Community Fund which could provide up to £50,000 a

year to local groups and projects will be provided by the development. In this respect the developers will submitted a Unilateral Undertaking which secures the delivery of this.

Accordingly, the public benefits of the proposal are of sufficient magnitude to outweigh the substantial harm found to the Green Belt and all other harm identified above. These benefits identified attract very substantial weight in favour of the scheme. In this context, the harm to the Green Belt would be clearly outweighed by the other considerations and therefore the very special circumstances necessary to justify the development exist. Accordingly, the proposal would satisfy the local and national Green Belt policies outlined above in the report. It is therefore recommended that planning permission be granted conditionally.

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 **04, 05, 06, 07, 09, 10, 11, 12, 13, 18, 19, 21, 22, 24, 26, & 34** of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers **04, 05, 06, 07, 09, 10, 11, 12, 13, 18, 19, 21, 22, 24, 26, & 34** 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.'

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 location plan and the development shall only take place in accordance with the submitted details and specifications and as shown on the approved plans, unless otherwise agreed in writing with the Local planning Authority.

- Location Plan- HJB/4133/22 Sheet 1/1
- Site Plan - HJB/4133/23 Sheet 1/1
- Site Layout Plan (Operational) - HJB/4133/49 Sheet 1/1
- Site Layout Plan (Construction) - HJB/4133/30 Sheet 1/1
- Landscape and Mitigation and Enhancement plan - HJB/4133/57 Sheet 1/1
- Ornithology Management Plan - HJB/4133/56 Sheet 1/1

Reason

To define the permission and for the avoidance of doubt.

03

The development hereby approved is for a period of 40 operational years from the date that electricity from the development is first exported to the Grid (the 'first export date'), after which the development hereby approved shall be removed. Written notification of the first export date shall be given to the Local Planning Authority no later than 14 days after the event.

Reason

To define the duration of the consent.

04

No development shall commence unless and until full external details (specifications, measurements, design and finishes) of all solar panels, the battery energy storage system, invertors, transformers, switch gear housings/substations, control building, construction cabins, lighting, CCTV, internal and perimeter site fences/gates have been submitted to and approved in writing by the Local Planning Authority.

The details shall also include for the following:

- i) the RAL reference number for ensuring that the perimeter and internal fences and gates are coloured in dark green prior to being installed on the site;
- ii) the external lighting within the site to utilise passive infra-red (PIR) technology and designed and installed in a manner which minimises glare, light pollution and impacts on biodiversity, in particular bats;

The development shall be installed and/or carried out and maintained in accordance with the approved details.

Reason

In the interests of visual and residential amenity, landscape character, biodiversity and the Green Belt.

05

No development shall commence until details of the proposed alterations in the highway at the new vehicle access, indicated on plan reference P-9425-COM-075-SU-DRG-001 revision P02, have been submitted to and approved

by the Local Planning Authority. The approved details shall be implemented before the development commences.

Reason

To ensure appropriate visibility and access is available in the interests of highway safety

06

Before the development commences the sight lines indicated on the submitted plan shall be rendered effective by removing the hedgerow on the land between the existing ditch and the highway, and this area shall be made good and grass seeded.

Reason

In the interests of highway safety

07

Before the development commences detailed plans to include a vehicular turning space to be provided within the site curtilage shall be submitted to and approved in writing by the Local planning Authority. The development shall not commence until the approved turning space has been provided.

Reason

In the interests of highway safety

08

Prior to the first export of electricity from the site, that part of the site to be used by vehicles shall be properly constructed with either

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

b/ an impermeable surface with water collected and taken to a separately constructed water retention / discharge system within the site. All to the satisfaction of the Local Planning Authority and shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained 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.

09

The development shall not be commenced until a Construction Traffic Management

Plan has been submitted to and approved in writing by the Local Planning Authority and the approved Plan shall be adhered to throughout the construction period.

The Plan shall provide for; Vehicle routing / storage / loading / unloading of materials / plant ; and car parking facilities for the construction staff and referencing how means of access to the site will legally be achieved e.g. via the s278 agreement.

Reason

In the interests of highway safety

10

No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority.

The Statement shall include detail of the measures that will be taken to minimise the adverse impact on occupiers of nearby properties by effectively controlling:

i) Noise and vibration arising from all construction related activities. Best practical means should be used to minimise noise on site. Regard should be had to the guidance details in BS5228 2009: Noise and Vibration Control on Construction Sites.

ii) Dust arising from all construction related activities. Best practical means should be used to minimise dust on site. Regards should be had to the guidance detailed in the Institute of Air Quality Management – Guidance of the Assessment of Dust from Demolition and Construction 2014.

iii) Artificial lighting used in connection with all construction related activities and security of the construction site. Best practical means should be used to minimise light nuisance on site. Regards should be had to the guidance detailed in the Institute of Lighting Professionals – Guidance Note 01/21 – Reduction of Obtrusive Light.

The Construction Method Statement shall include:

i. Programme and Phasing Details - site layout / Operational hours / Expect duration of construction works

ii. Site management – Contact details of site manager for public liaison purposes / Complaints procedure / Roles and responsibilities

iii. Routes for construction traffic – Routes to be used for access onto site and egress / One way systems / Haul routes (onsite and delivery)

iv. Site Access, storage and movement of materials – Delivery access point details / Location details of storage areas / Delivery times of materials and plant

v. Dust, Debris and Mud – Screening and hoarding / Preventative measures / Dust suppression measures – general and machinery / Wheel wash facilities / Road sweeping facilities / Covering of dusty stockpiles / Vehicles carrying dusty loads / Dust monitoring / Boundary checks / Monitoring of weather

including wind speed and direction, dry conditions etc

vi. Noise and Vibration control – Silencing of vehicles, plant and machinery / Mitigation measures for noisy operations / Operational hours / One way systems / Vehicle reverse alarms / Leaflet drops to noise sensitive properties

vii Artificial Lighting -Hours of operation of the lighting / Location and specification of all of the luminaires / Level of maintained average horizontal illuminance for the areas that needs to be illuminated / Predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity / Measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site

viii. Waste Management – Waste storage / waste collection / recycling / Waste removal

The approved details shall be implemented at the commencement of work on site and shall thereafter be retained and employed until completion of works on site. The Construction Method Statement shall be made publicly available for the lifetime of the construction phase of the development in accordance with the approved method of publicity.

Reason: To control development impacts in the interests of highway safety, residential amenity and the environment in accordance with Local Plan Policy

11

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

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

Thereafter the development shall only take place in accordance with the approved WSI and the export of electricity from the site shall not be commenced until the Local Planning Authority has confirmed in writing that

the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason

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

12

No development shall take place until a detailed scheme for foundation design and all new groundworks has been approved in writing by the Local Planning Authority and that scheme shall be implemented and monitored to the satisfaction of the Local Planning Authority.

Reason

To ensure that ground disturbance is restricted to a minimum and is carried out in the agreed manner to preserve archaeological remains in situ

13

Prior to the commencement of development an Intrusive Site Investigation shall be undertaken in accordance with Section 7.2 (recommendations), p27 of the report entitled Common Farm Solar Park – Desktop Study - prepared by AECOM Ltd, dated 11th July 2022, Report Reference 60669425 to assess for the potential constraints identified in section 7.1 of the report, to inform the design of the proposed ground mounted solar PV farm. The report shall be submitted to and approved in writing by the Local Planning Authority. All works must be undertaken in accordance with the recommendations made within the approved site Investigation 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.

14

Prior to above ground works commencing, if any major earth movements are required at the application site, then these works shall be undertaken in accordance with a detailed earthworks/materials management plan to be submitted to and approved in writing by the Local Planning Authority, to ensure that the geotechnical and contamination risks will be managed appropriately. The approved Plan shall be implemented on site.

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.

15

Prior to above ground works commencing, if subsoil/topsoil/virgin materials are required to be imported to site, then a scheme for testing these materials including the rate and frequency of testing shall be submitted to and approved in writing by the Local Planning Authority to ensure they are free from contamination and will not present a risk to future users of the site and the environment. Thereafter the development shall take place in accordance with the approved scheme unless otherwise agreed in writing.

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.

16

If 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. 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.

17

Following completion of any remedial/ground preparation works a Verification Report shall be submitted to and approved by the Local Planning Authority. The Verification Report shall include details of materials imported to site, copies of chemical analysis reports confirming materials brought to site are free from contamination and will contain Waste Transfer notes if applicable.

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

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- i) Identification of "biodiversity protection zones";
- ii) Identification of any sensitive area where invasive non-native species are present and measures to control these species.
- iii) A risk assessment of any construction activities that may result in the disturbance of or have an effect on wildlife to identify measures to avoid or reduce impacts during construction;
- iv) Hours of construction activity to minimise any impacts on wildlife;
- v) The times during construction when specialist ecologists need to be present on site to oversee works;
- vi) Details of an ecological clerk of works to be appointed to manage the implementation of the CEMP and any other biodiversity related conditions and licences applicable to the development.; and
- vii) Details of protective fences, exclusion barriers and warning signs required to limit construction related impacts on wildlife

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason

In the interests of retaining, protecting and enhancing existing site features of biodiversity value in the interests of biodiversity, visual amenity, landscape character and the Green Belt and in accordance with Local Plan Policy

19

No development shall commence until a Biodiversity Enhancement & Management Plan (BEMP), based on the Draft Biodiversity Management Plan dated July 2022, has been submitted to and approved in writing by the Local Planning Authority. The Plan shall provide a:

- i) Description and evaluation of features to be managed and enhanced;
- ii) Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- iii) Aims and Objectives of management;
- iv) Appropriate management Actions for achieving Aims and Objectives;
- v) An annual work programme (to cover an initial 5 year period);

For each of the first 5 years of the Plan, a progress report shall be sent to the Local Planning Authority reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period.

The plan shall be reviewed and updated every 5 years to ensure the aims and objectives of the plan are being met. The approved plan will be implemented in accordance with the approved details.

Reason

In the interests of providing and managing new site features of biodiversity value in the interests of biodiversity, visual amenity, landscape character and the Green Belt, and in accordance with Local plan Policy.

20

The development shall be completed in accordance with the recommendations in the Ornithological Technical Note V.2 dated April 2023 and the Ornithological Management Plan Ref HJB/4133/56 prepared by Arcus Consultancy Services. All the recommendations shall be implemented in full according to the specified timescales, and thereafter permanently retained.

Reason

In the interests of biodiversity and in accordance with Local Plan Policy

21

No development shall take place, including demolition, ground works and vegetation clearance, until a soil strategy has been submitted to, and approved in writing by, the local planning authority to demonstrate the sustainable use of soils during construction and operation stages. The development shall be carried out in accordance with the approved soil strategy.

Reason

In the interests of biodiversity and in accordance with Local Plan Policy

22

No development shall commence until a finalised Biodiversity Net Gain Plan to ensure that there is a minimum of no net loss in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The Biodiversity Gain Plan shall include 30 year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports. Monitoring reports shall be submitted to the Local Planning Authority during years 2, 5, 10, 20 and 30 from commencement of development unless otherwise stated in the Biodiversity Gain Plan, demonstrating how the Biodiversity Net Gain is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

Reason

In the interests of biodiversity and in accordance with Local Plan Policy

23

The development shall be completed in accordance with the recommendations in the Biodiversity Management Plan dated July 2022 Plan prepared by Arcus Consultancy Services. All the recommendations shall be implemented in full according to the specified timescales, and thereafter permanently retained.

Reason

In the interests of biodiversity and in accordance with Local Plan Policy

24

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Details of structural planting along the Todwick Road frontage which shall include gapping up of hedgerows and planting of extra heavy standard trees to screen the fence required for glint and glare mitigation purposes
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations for the lifetime of the development, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

Reason

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

25

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year

and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

26

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 scaled site plan**, clearly and accurately depicting trunk locations, root protection areas and canopy spreads. (Provided)
- A plan** detailing all trees and hedgerows planned for retention and removal. (Provided)
- A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
- Timing and phasing of works
- Revised track edge and site-specific construction specifications in connection with 'no-dig' access track within the RPA of T38 & T105.
- 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.

27

The sound level of noise from the development hereby permitted shall not exceed the levels at any nearby noise sensitive property existing or with planning permission at the date of this permission as identified in the table below. The measurements and assessment shall be made according to BS 4142:2014+A1:2019.

Location	Time of Day	Sound Level dB LAeq (T)
<i>ESR 1</i>	<i>Day</i>	42
	<i>Evening</i>	39
	<i>Night</i>	36
<i>ESR 2</i>	<i>Day</i>	59
	<i>Evening</i>	47
	<i>Night</i>	38
<i>ESR 3</i>	<i>Day</i>	43
	<i>Evening</i>	40
	<i>Night</i>	37
<i>ESR 4</i>	<i>Day</i>	44
	<i>Evening</i>	38
	<i>Night</i>	35

<i>ESR 5</i>	<i>Day</i>	44
	<i>Evening</i>	38
	<i>Night</i>	35
<i>ESR 6</i>	<i>Day</i>	44
	<i>Evening</i>	38
	<i>Night</i>	35
<i>ESR 7</i>	<i>Day</i>	44
	<i>Evening</i>	38
	<i>Night</i>	35
<i>ESR8</i>	<i>Day</i>	42
	<i>Evening</i>	39
	<i>Night</i>	36

Reason

In the interest of residential amenity, and in accordance with Local Plan Policies

28

Within 28 days from the receipt of a written request from the Local Planning Authority and following a complaint to the Local Planning Authority from the occupant of a residential dwelling which lawfully exists or has planning permission at the date of this permission, the solar farm operator shall employ an independent and suitably qualified consultant to assess the level of noise emissions from the solar farm at the complainant's property (subject to the complainant granted access for the investigation and monitoring). The noise assessment methodology shall be agreed in writing with the Local Planning Authority in advance of any investigation taking place.

The consultant's assessment report and interpretation of the noise complaint(s), including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based, shall be submitted to the Local Planning Authority for consideration within 2 months of the date of the written request of the Local Planning Authority or as may otherwise be agreed in writing. If the Local Planning Authority considers that the noise impact at the residential dwelling(s) is in excess of the levels set out in the table in condition 16, the applicant shall undertake corrective action and re-test. Once compliance can be demonstrated the results shall be resubmitted to the Local Planning Authority for written approval.

Reason

In the interest of residential amenity, and in accordance with Local Plan Policies

29

Before the solar panels are installed on site details of appearance, height, materials and location of the mitigation fence required for glint and glare along Todwick Road shall be submitted to and approved in writing by the Local Planning Authority. The approved fence shall be provided on site before the solar panels are installed and shall be maintained and retained on site unless otherwise agreed in writing with the Local planning Authority.

Reason

In the interest of visual amenity and road safety

30

No later than 10 years from the first export of electricity from the site, an updated assessment of glint and glare which will assess whether the mitigation fence is still required shall be submitted to an approved in writing by the Local planning Authority. In the event that the fence is no longer required for glint and glare mitigation purposes the fence shall be removed in its entirety. In the event that the updated assessment finds that the fence is still required, additional glint and glare assessments shall be submitted to and approved by the Local Planning Authority at regular 5 yearly intervals, and the fence shall be removed at the earliest opportunity when it has been demonstrated that it is no longer required for mitigation purposes.

Reason

In the interest of visual amenity and road safety

31

No works associated with the approved development shall take place at the site on Sundays or Public/Bank Holidays or outside of the following hours: 0700 hours to 1900 hours Mondays to Fridays and 0700 hours to 1300 hours on Saturdays. Works that need to be undertaken outside of these hours is subject to the applicants advance notification and approval in writing by the Local Planning Authority, unless in cases of emergency where a situation poses an immediate risk to health, life, property or environment.

Reason

To minimise disturbance in accordance with Local Plan Policies

32

If any of the individual solar panels hereby permitted ceases to export electricity to the grid for a continuous period of 6 months the Local Planning Authority shall be notified in writing by the operator of the panels. Within 3 months of that written notification, a Decommissioning Method Statement and Decommissioning Biodiversity Plan for the removal of the solar panel(s) and associated equipment and the reversion of that part (or parts) of the site to agricultural use, shall be submitted in writing to the Local Planning Authority. Within 6 months of the written approval of those details from the Local Planning Authority, the approved details shall be fully implemented.

Reason

To control the impacts of the development upon decommissioning

33

Within 24 months of the date that electricity from the development is first exported to the Grid (the 'first export date') in the event of any complaint to the Local Planning Authority from Network Rail relating to signal sighting safety or driver distraction, upon notification to the Local Planning Authority, the applicant or operator of the solar farm shall as soon as possible and not later than 28 days, submit for approval to the Local Planning Authority details of a scheme of remedial measures to address the concerns raised with details of a timescale for implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

Reason

To ensure safety of the users of the railway

34

No development shall commence until details of the surface water and land drainage system and all related works necessary to drain the site have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the date that electricity from the development is first exported to the Grid (the 'first export date').

Reason

To ensure that the site is connected to suitable drainage systems and in accordance with Local Plan Policies

35

Not less than 12 months before the expiry of this permission a Decommissioning Method Statement and a Decommissioning Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include details of the removal of the solar arrays, battery energy storage system, fencing, tracks, equipment, hard-standing, buildings and all other structures together with the repair of damage that may have occurred, restoration of the site, management of traffic during the decommissioning process, a decommissioning timetable, an ecological scoping survey to be carried out by an ecologist to identify any specific species surveys and detailed mitigation strategies required on-site in line with prevailing guidance. The development shall be decommissioned in accordance with the approved details.

Reason

To control the impacts of the development upon decommissioning

Informatives

Highways

01

Condition 05 will require an Agreement under S278 Highways Act, 1980 and involve the provision of new kerblines, channel blocks etc and a suitable scheme to culvert the ditch under the access. Contact should be made with my colleague David.phillips@rotherham.gov.uk in order to commence the legal agreement as soon as possible.

Biodiversity

02

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

03

The Coal Authority

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.coal.gov.uk

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service at www.groundstability.com

04

Cadent Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Application Number	RB2022-1806 https://rotherham.planportal.co.uk/?id=RB2022/1806
Proposal and Location	Increase in height of part of building from 2 to 3 storeys with rooms in the roofspace to create 4 additional apartments at Phoenix Court, 67 Blyth Road, Maltby
Recommendation	Grant Conditionally

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



Site Description & Location

Phoenix Court is a large Victorian building which has previously been converted into 9 apartments. It is situated to the west side of Blyth Road, and the site is surrounded by residential properties. The land slopes away beyond the site to the west.

Background

RB1983/0070 Change of use to residential accommodation & meeting rooms for religious purposes – granted conditionally 17/03/83

RB1984/0812 Change of use to a residential care home – granted 19/07/84

RB1986/0395 Change of use to a residential care home – granted conditionally 19/06/86

RB1988/1222 Alterations & extensions to form residential home – granted conditionally 29/12/88

RB2004/0999 Conversion and extension of nursing home to form 8 apartments, conversion and extension of coach house to form a dwellinghouse and erection of 8 garages – granted conditionally 15/09/04

RB2005/1502 Conversion and extension of nursing home to form 9 apartments, conversion and extension of coach house to form a dwellinghouse and erection of 9 garages (amendment to RB2004/0999) – granted conditionally 18/10/2005. This permission was implemented and the converted coach house is now 67a Blyth Road.

RB2018/1499 - Change of use to apartment (use class C3) – REFUSED

01

The proposal would create a poor form of residential development by virtue of the substandard internal floorspace and lack of windows into principle rooms. It fails to secure a good standard of amenity and would not create a good living environment for future occupants. Accordingly, the development is contrary to the requirements of the NPPF, Local Plan Policy SP55 'Design Principles', Technical housing standards - nationally described space standard, and the South Yorkshire Residential Design Guide.

RB2019/0027 - Change of use to apartment (use class C3) - GRANTED
CONDITIONALLY

RB2021/1746 - Increase in height of part of building from 2 to 3 storeys to create 2 apartments with two additional apartments in the roof space (4 in total) - REFUSED

01

The Council considers that the proposed alterations by virtue of the increased roof height together with the proportions and use of materials would be detrimental to the character of this historic building and appear out of keeping with the streetscene. As such, it is significantly harmful to the character and appearance of the area, contrary to Local Plan Policies SP55 'Design Principles' and CS28 'Sustainable Design,' and the National Planning Policy Framework.

02

The council considers that the proposed raised roof by virtue of its height, in close proximity to 67a The Coach House, Blyth Road, would appear overbearing and result in overshadowing and loss of daylight/sunlight to their front elevation. As such, the proposal would be detrimental to the amenities of the occupiers of the neighbouring property contrary to Policy SP55 'Design Principles' of the Local Plan and The South Yorkshire Residential Design Guide, as well as the National Planning Policy Framework.

A subsequent appeal was DISMISSED.

Proposal

The application is for the raising of the main roof to create one full additional floor and an additional floor within the carefully designed roof space. 4No new 2 bedroom apartments will be created with three on the new 2nd floor and 1 within the roof space 3rd floor. The existing roof height is 9.5m from the external ground level to the highest point. The proposed roof height is 12.8m from the external ground level to the highest point. The proposal therefore raises the overall roof height by approx. 3.3m from the existing. The four new flats will be positioned above the existing original house area and partly over the additional extension part towards the rear. Each of the 4 flats is more than the minimum space standards requirement of 61 sqm. The extension will be built in matching stone with reflecting stone surround feature details to ensure the continuity in the fabric and outlook of the existing building is respected and matched.

The applicant has provided a materials schedule which includes natural stone and brickwork to match the host property. The proposed roofing will be improved with artificial slates, replacing the existing (non original) concrete tiles. Furthermore, sash style white UPVc windows are proposed, which reflect the building's Victorian character.

The parking area is to be altered to provide 2 additional parking spaces (increasing from 13 to 15 overall). During the submission the applicant redesigned and reduced the number of proposed overall parking spaces as they had restricted access and poor manoeuvrability.

The Applicant's Design & Access Statement States that:

The emphasis of a reflecting and matching design has been adopted. The vertical emphasis with the windows and horizontal feature stone banding has been introduced in an attempt to marry the new extended area with the existing.

Most extensions require subservience with design, extending upwards would invariably mean that "generally" subservience cannot be achieved. With this in mind we felt it was important to design the extension to create fluidity with the existing architectural features of the existing building. Proportion and material choice is key to ensure the buildings architectural integrity and design is maintained. The 3D image produced demonstrates that this has been achieved.

The stepped nature of the site towards the rear and the lowered eaves and ridge height of the previously extended area has given rise to continuing the stepped relationship in the design. The previous extension works will with the existing building, matching in colour scale and massing whilst not competing with the main architectural features. The lowered ceiling and eaves heights of the previously extended area has created a flow with the land form. Part of the new extended roof area encroaches over the previous extension and allows the stepped form to be retained.

The stone roof and gable peak design to the front elevation with the extended long vertical window has been incorporated to break up the monotony of the front elevation and level appearance roof shape. The peak gives an interesting visual break commensurate with a Victorian style property, quite often with feature bay window detailing, Victorian buildings enjoy intermediate protruding gable features that blend in to the roof.

The Applicant's Planning Statement states that:

The proposal to raise the roof to create new housing is in line with the governments' requirements for using existing buildings to create new homes.

Materials to the walls will match the existing and will be clad in stone cladding slips with a dark grey matching roof. This approach has been accepted by English Heritage on many occasions as being a sympathetic way of extending a building upwards. The building is structural capable of being extended in this way.

The four new flats will be positioned above the existing original house area. Each of the 4 flats is more than the minimum space standards requirement of 61 sqm. The proposals will create 4 good quality, large apartments more than compliant with the National Size standards for new properties.

The site is surrounded by other residential units and as such their amenity and privacy needs should be preserved. The extended area has therefore

been concentrated to the front of the building and no raising is proposed to the rear.

The distance of 25m on a 25 degree angle from the habitable windows shows there is no overlooking or loss of daylight/overshadowing that would impact on other properties.

Parking has been designed into the scheme and amendments have been made to ensure that the highway officer is content with the proposals.

Bin storage is designed into the scheme

The access will be from the main building to comply with current building regulations

The existing roof is in need of repair and will be improved to ensure it does not leak.

The new scheme is well designed and responds well and compliments the existing building. Any previous comments have been addressed and the Scheme is full complaint with National and Local Planning Policy.

Development Plan Allocation and Policy

The adopted Local Plan consists of the Core Strategy which was adopted by the Council on the 10th September 2014 together with the Sites and Policies Document (adopted on 27/06/18).

The local Plan indicates that the site is in an area identified for 'Residential' purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

CS14 'Accessible Places and Managing Demand for Travel'
CS28 'Sustainable Design'
SP11 'Development in Residential Areas'
SP55 'Design Principles'

Other Material Considerations

Technical housing standards – nationally described space standard 2015

South Yorkshire Residential Design Guide

Emerging Maltby Neighbourhood Plan

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

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

Publicity

The application has been advertised by way of individual neighbour notification letters to adjacent properties and site notice. 11 letters of objection have been received and one letter in support.

Maltby Parish Council considers that the proposed alterations by virtue of the increased roof height together with the proportions and use of materials would be detrimental to the character of the historic building and appear out of keeping with the street scene, contrary to Local Plan Policy. It adds that the proposed raised roof would appear overbearing and result in overshadowing and a loss of daylight/sunlight to the front elevation of 67A Blyth Road.

The other objectors note:

- The site lacks adequate parking the new spaces are just remarked existing hardstanding.
- May result in additional accidents within the highway from additional traffic.
- There is no existing bus route on the road for future residents.
- The building is historic and has not been properly maintained.
- The raising of the roof height will reduce the level of natural light to adjoining dwellings.
- The raised height would appear out of keeping in the streetscene.
- The proposal will result in additional building work during the construction phase.
- The raised height would remove views enjoyed by neighbouring residents.
- The scheme could result in the felling of trees to provide room for additional car parking.
- Communal bins are not adequate for current Apartments 7. Communal bins are in view of our home and we are worried more bins will be required and where they will be placed.

One letter of support has been received from an existing flat resident:

- The increase in height would not impair any claimed from across Blyth Road because of the slope of the land and because the trees already screen any beautiful views some people claim to have.
- In the four years I have lived here I have never seen every parking spot on the site full at any one time, and I have never known an accident on Blyth Road in this vicinity.

The applicant has requested the right to speak at Planning Board, as well as a supporter and an objector.

Consultations

RMBC - Transportation and Highways: No objections to amended layout which amended the parking layout to provide better manoeuvrability (and reduced the increase in parking provision overall from 17 to 15 spaces).

RMBC – Trees: No objections subject to appropriate condition.

Severn Trent – No objections subject to new hardstanding being drained by means of a soakaway where possible and an informative relating to the public sewers.

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 development within this Residential allocation is acceptable in principle and as such the main considerations in the determination of this application are:

- Impact upon the character of the area and host property.
- Impact upon neighbouring amenity and the amenity of future occupiers.
- Trees.
- Highways.
- Noise issues.

Impact upon the character of the area and host property

Core Strategy Policy CS28 'Sustainable Design,' states: "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.”

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”.

Paragraph 126 of the NPPF states that: “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.”

Paragraph 130 of the NPPF states that: “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;”

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

The host property was originally a Vicarage built in the Victorian period and still retains much of its original character and proportions. The building forms an important part of the streetscene and Maltby’s history and for this reason has been put forward for Local Listing within the Emerging Maltby Neighbourhood Plan.

The previous application was refused in part as it was considered that the proposed alterations by virtue of the increased roof height together with the proportions and use of materials would be detrimental to the character of this historic building and appear out of keeping with the streetscene. In terms of

the previous appeal decision the Inspector noted that the Maltby Neighbourhood Plan had not been adopted and the building is therefore not Locally Listed. The Inspector did note that the existing building was of architectural merit and raised concerns about the proposed stone cladding and zinc style cladding as the main finishing roof material, along with the shorter and more compressed window openings which varied in shape and size and had no regard to the proportions and design of the existing openings. As a result, the Inspector concluded that the development would create a bulky, overly dominant, disjointed and conspicuous form of development that would fail to integrate satisfactorily with the existing property.

This applicant seeks to address the previous design concerns. The new submission has taken into consideration the building's Victorian style, with the matching window detailing, appropriate proportions and feature gable often seen on Victorian properties of this era, with the roof hipped as opposed to the steeper mansard roof previously proposed. A materials schedule has been provided which includes natural stone and brickwork to match the host property. The proposed roofing will be improved with artificial slates, replacing the existing (non original) concrete tiles.

It is noted that Paragraph 120 of the NPPF supports opportunities to use the airspace above existing residential and commercial premises for new homes. This reflects the Government's desire in recent years to encourage the addition of extra floors to residential buildings to provide additional housing, making better use of existing sustainable urban locations. The Government is also seeking to amend the NPPF to specifically support the use of Mansard Roofs, which is the case here, although this has not yet been adopted.

NPPF paragraph 120 specifically states that: "they should (Local Authority) allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene."

In this instance Blyth Road has a diverse mix of residential properties from bungalows to full three storey dwellings, reflecting a range of late Victorian to 20th century architectural styles and wide variety of materials. There is also a considerable change in levels between the properties on the southern side of the road and the northern side, with those on the northern side appearing much taller within the streetscene. The unifying character of the area consists of the pleasant natural stone walling and trees and hedges which gives the area a pleasant low density suburban character.

With the above setting in mind, it is considered that the raised height of the host building will not appear out of keeping in the streetscene, and it is not unusual for such a large Victorian House of this era, set within substantial grounds to be 3 storeys high with rooms in the roofspace.

Impact upon neighbouring amenity and the amenity of future occupiers

Policy SP55 of the Local plan states.....'this policy applies to all development proposals including alterations and extensions to existing buildings.....'

'.....regard will be had to the following when considering development proposals.....(g) the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing...'

The South Yorkshire Residential Design Guide, sets out recommendations for retaining adequate daylight and reducing the massing of new buildings.

The Council refused the previous scheme due to the impact upon No.67a Blyth Road, however the Inspector did not support this reason for refusal and stated that:

"Given the relatively flat form of the proposed mansard roof, the existing degree of separation between the properties, and the current levels of outlook from No 67a's nearest front windows I do not consider that the extent of the additional built development would appear overbearing. I am also aware of the orientation of the appeal site in relation to the direction of the sun. However, I am satisfied that for the reasons provided above the proposal would not result in a substantial increase in the amount of overshadowing to the front windows of No 67a."

This scheme includes a slight reduction in overall height by 500mm and the mansard roof now has a shallower pitch more akin to a standard hipped roof. This has reduced the massing to the side of No.67a. However, in addition, this new scheme includes additional raised sections of the building which will be positioned to the south and east of No.67a respectively.

It is noted that the new extensions will primarily impact upon the front window to a kitchen/diner room of No.67a. This is an open plan room spanning the whole depth of the dwelling, with large windows to the front and rear elevations of the room. As such any reduction in natural light or sense of enclosure would be mitigated by the large rear window and open aspect onto their garden. Therefore, in view of the internal layout to No67a and the Inspector's previous Appeal decision, the overall massing of the new extension is considered acceptable and accords with the above policy and guidance, and it is not considered that the proposed extensions would have a significant impact on the occupiers of the neighbouring property.

Turning to overlooking, the host building already includes habitable windows to all elevations and as such will not result in any undue additional overlooking and retains adequate separation distances.

Finally in term of the amenity of the new flats, they will have adequate amenity in terms of their size, and the grounds of the property include a rear garden for the benefit of future residents.

Trees

Local Plan Policy SP32 'Green Infrastructure and Landscape' states 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."

NPPF Paragraph 131 states that: "Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users."

An objector has noted that the proposal will result in the removal of trees, though the Council's Tree Officer notes that the proposal does not involve the felling or pruning of any trees on site. No changes in ground levels are proposed within the existing parking area. As such there are no concerns relating to trees on site, and protective tree fencing would be conditioned should the scheme be approved.

Highways issues

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

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

The NPPF further notes at paragraph 113 that: "All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed."

The proposed development will provide enough parking for both the existing and proposed flats. The 15 spaces proposed overall are considered adequate for the combined 13 dwellings and would not result in undue parking within the public highway in this sustainable location close to the Maltby town centre. The existing property, 67A Blyth Road, is not within the red edge boundary and has its own separate provision of 3 spaces.

It is considered that the development is sited in a sustainable location and would satisfy the provisions of Policy CS14 'Accessible Places and Managing Demand for Travel' and paragraph 113 of the NPPF.

Noise issue for future and existing residents

The application has included a Sound Insulation Appraisal which recommends an appropriate sound insulation under Building Regulations between the flats including the existing and proposed. This will prevent disturbance between the flats.

It is noted that during the construction phase it is likely that a significant degree of noise and disturbance will occur to existing flats within the building. This is inevitable due to the significant nature of the works and the developer should work with existing occupiers to ensure that noise and general disturbance is kept to a minimum. It is not considered appropriate to condition construction management details in this instance.

Finally, it is noted that objectors have raised concerns about the capacity of the communal bins within the development. However, the applicant has confirmed that the waste generated by the 4 additional apartments can be accommodated within the existing communal bin area.

Conclusion

The site is in an area allocated for residential use within the adopted Rotherham Local Plan, and as such the proposal is acceptable in principle.

The scheme is acceptable in terms of the design and layout, highway safety, drainage, landscaping trees as well as other general amenity issues identified above. The scheme overcomes the previous reasons for refusal in terms of design and neighbouring amenity and will provide much needed market housing to meet Local Plan targets for housing development within the Plan period to 2028.

Overall the scheme is considered to be in accordance with the Development Plan and with the policies in the NPPF. As such, the proposal is recommended for approval subject to the following conditions.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing pre commencement planning conditions. Condition number 08 of this permission requires these works to be undertaken before development begins; however, in this instance the conditions are justified because:

i. The works required under condition number 08 is fundamental to the acceptability of the development and it would be inappropriate to allow the development to proceed until the necessary works have been undertaken.

01

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

Reason

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

02

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

Amended Site Plan 22.2992.8C

Proposed Elevations 22.2992.2C

Proposed Roof Plan 22.2992.6

Proposed Sections and 3rd Floor Plan 22.2992.7A

Proposed First Floor Plan 22.2992.3B

Proposed Second Floor 22.2992.4C

Reason

To define the permission and for the avoidance of doubt.

03

Before the development is brought into use the car parking area shown on the approved plan 22.2992.8C shall be provided, marked out and thereafter maintained for car parking.

Reason

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

04

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

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

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

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

Reason

To ensure that surface water can adequately be drained 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.

05

No development shall take place (except for demolition) 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.

06

Notwithstanding details provided under Condition 5, a sample panel of the natural stone cladding shall be provided on site and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

In the interests of the visual amenity of the area and security of the site and land adjacent, in accordance with the Local Plan.

07

Details of four electric vehicle charging points shall be submitted to and approved by the Local Planning Authority. The development shall not be occupied until the charging points have been provided, and they shall thereafter be retained for the lifetime of the development.

Reason

In the interests of sustainable development and air quality in accordance with the Local Plan and the NPPF.

08

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 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 scaled 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 and hedges 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.

Informatives

01

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2022/1884 https://rotherham.planportal.co.uk/?id=RB2022/1884
Proposal and Location	<p>A. Demolition of existing garages and erection of a pair of semi-detached dwellings at site at St Leonards Avenue, Thrybergh (Site 1)</p> <p>B. Demolition of existing garages and erection of a detached bungalow at site at Staple Green, Thrybergh (Site 2)</p>
Recommendation	Grant with conditions

This application relates to two separate sites within Thrybergh which have been submitted on the same application. The application is being presented to Planning Board due to the number of objections received with regard to Site 1 (St Leonards Avenue).



Site Description & Location

The application relates to two separate sites within Thrybergh. Each site was formerly a garage court which now contain only a few garages which are to be demolished.

Site 1 (St Leonards Ave) is located at the end of a residential cul de sac at St Leonards Avenue and is occupied by two garages. To the western side is a mature, overgrown conifer hedge which is on the adjacent occupier's side of the boundary, though overhangs the application site. The land is relatively flat although at a slightly higher level than the adjacent land to the west.

To the eastern side are a row of semi-detached dwellings with no off road parking and to the opposite side of the highway are detached bungalows and semi-detached dwellings, most of which have off road parking available. To the rear of the site are open fields.

Site 2 (Staple Green) is located on a small cul de sac at Staple Green and is occupied by three garages. The immediate area consists of semi-detached bungalows with open plan gardens and on street parking only. To the rear of the site is a disused railway embankment. To the front of the site are two mature trees, both being identified as Swedish Whitebeams.

Background

Site 1 (St Leonards) was included in the residential development of the surrounding area in the late 1960s.

Site 2 (Staple Green) was included in the residential development of the surrounding area in the 1970's.

There have been no applications for these sites since those times.

Community Infrastructure Levy

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

Proposal

This application has been submitted by Rotherham Borough Council and is seeking full planning permission for the demolition of the existing garages and the erection of residential properties on these two former garage sites.

Site 1 (St Leonards Ave) will consist of a pair of two bedroom semi-detached dwellings which are indicated to be sited along a similar building line to the adjacent properties. Each property would have one off road parking space to the front and enclosed garden areas to the rear. Both properties would have solar panels to the roof slope and be provided with an Electric Vehicle (EV) charging point.

Site 2 (Staple Green) would consist of a single two bedroom detached bungalow with one off road parking space to the side and an enclosed rear garden space. Solar panels are indicated to be fitted to the south west facing roof slope and an EV charging point adjacent to the parking space.

All properties would be constructed in facing brick with a tiled pitched roof over. The boundary treatments would consist of 1.8m high close boarded fencing.

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

Design and Access Statement

The aim of this document is to set out the considerations that have been taken into account in formulating the scheme design for both sites. The submitted details include how the designs, layout and materials fit into the surrounding area.

Arboricultural Report

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

Site 1 (St Leonards): The main issue on this site is the large wide conifer hedge on the neighbouring property which overhangs the boundary. The report recommends removal of the hedge but further discussions have resulted in its retention.

Site 2 (Staple Green): This includes five trees, three of which are on the adjacent Network Rail site and two within the grass verge fronting the site. Both trees have been identified as Whitebeams, one of these needs to be removed to enable the development however the other can remain if the proposed footpath over the root protection area can be constructed over the existing ground levels.

Site Investigations

This looks at the historic use of the land and identifies any potential contamination issues. Phase 1 and Phase II site investigations have been carried out and their findings assessed by the Council's Land Contamination officer.

Ecological Appraisal

This was commissioned by the applicant to carry out an extended Phase 1 habitat survey of the sites. The aim of this study was to identify any ecological constraints to the proposed work, detail any further survey work that may be required, and make recommendations for mitigation and enhancement measures, as necessary. The buildings were checked for roosting bats and the sites searched for evidence of badgers and also the presence of invasive non-native plants such as Japanese Knotweed. None of these were found to be present on either site.

Garage Site Decommissioning Report

The Garage Site Decommissioning Protocol sets out how the Council will approach the decommissioning of garage sites and garage plot sites which have been identified for new housing development, in a fair and consistent way. Details of the assessed requirement for the retention of the garages are included in the submitted information.

Small Sites Biodiversity Metric

This demonstrates no net loss of biodiversity as a result of the proposal and a net gain of 26.31% on site 1 (St Leonards) and a net gain of 36.63% on site 2 (Staple Green).

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 sites have been identified for Residential purposes in the Local Plan, For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policies:

- CS7 'Housing Mix and Affordability'
- CS14 'Accessible Places and Managing Demand for Travel'
- CS19 'Green Infrastructure'
- CS20 'Biodiversity and Geodiversity'
- CS21 'Landscapes'
- CS25 'Dealing with Flood Risk'
- CS27 'Community Health and Safety'
- CS28 'Sustainable Design'
- CS30 'Low Carbon & Renewable Energy Generation'
- CS33 'Presumption in Favour of Sustainable Development'
- SP33 'Conserving the Natural Environment'
- SP35 'Protected and Priority Species'
- SP52 'Pollution Control'
- SP54 'Contaminated and Unstable Land'
- SP55 'Design Principles'
- SP64 'Access to Community Facilities'

Other Material Considerations

National Planning Policy Framework: The NPPF (as revised) 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".

National Planning Practice Guidance (NPPG).

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

Rotherham Adopted SPDs:

SPD 2 - Air Quality and Emissions

SPD11 - Natural Environment

SPD12 – Transport Assessments, Travel plans and Parking Standards

The South Yorkshire Residential Design Guide

National Prescribed Spacing Standards

Publicity

The application has been advertised by way of site notices along with individual neighbour notification letters to adjacent properties. 7 letters of representation have been received in regard to Site 1 (St Leonards Avenue) and no representations have been received in regard to Site 2 (Staple Green).

The issues raised by local residents with regard to Site 1 (St Leonards Avenue) are summarised below:

- Concerned that there is only off road parking for one car to each property and the street gets very crowded with cars currently parking on the application site.
- The proposal will have an adverse effect on the access and egress of vehicles to the bungalows in the cul de sac.
- Object to the removal of the hedge belonging to the owners of 'Jades Acre' as would be detrimental to wildlife.
- Will deprive residents of much needed off road parking, on the site and at the kerbside where the new accesses will be, particularly in the evenings and at the weekend. There is no off road parking for the adjacent flats.
- The cul de sac is in great demand as a turning area which will be impeded if the new owners and the displaced cars from the garage court park in the highway. Double yellow lines to prevent this should be required as a condition of the application as well as disabled parking bays.
- Request that a traffic survey be carried out.
- The driveways of the bungalows opposite are difficult to navigate particularly if there are cars parked in the adjacent highway, this will be more difficult if the cul de sac is more congested.
- Concerned for the safety of children playing on the street due to the presence of parked cars and vehicles trying to turn in the cul de sac.
- Impact on nearby disabled residents who rely on transport and deliveries being able to access the properties and also for those residents being able to exit their driveways for medical appointments.
- Concern that parking issues will result in disharmony amongst neighbours.
- The proposal would impact on disabled relatives with Wheelchair Accessible vehicles who rely on carers being able to park close enough to allow them to visit.
- The cul-de-sac in which the site is located is an area which is in great demand as a turning area and disembarkment area for Wheelchair Accessible Vehicles and their users. The ability of disabled wheelchair

users to alight safely from vehicles will be greatly impeded if the owners/occupiers of the new dwellings park on the street;

- The garage site would be better served as a car park for residents and visitors.

A request has been made by an objector that the Planning Board visit the site, preferably in the evening, to assess the parking issues.

Comments have also been received from a Ward Councillor as follows;

- This section of St Leonard's Avenue is effectively a cul-de-sac running off the junction with the odd numbered side being several blocks of RMBC Housing flats and even numbered being a mix of Council, former Council and private housing. Some properties have off road parking on the even numbered side with no off street parking on the odd numbered side.
- Following a site visit in the evening it was noted that there were very few spaces on the road with access for vehicles going down the road only possible due to cars parking on the pavement, limiting access for pedestrians. Three vehicles were parked on the garage court.
- Concerned that vehicles using the site at the weekend or evening will need to relocate and that the current garage site provides the only turning area for vehicles accessing the end of St Leonard's Avenue. I would ask that the option be explored of setting the properties further back in order to provide a functioning turning area for vehicles accessing the end of St Leonard's Avenue but also to alleviate on street parking and the relocation of vehicles parking on the site that provision of extra off street parking spaces to the front of the adjoining flats should be explored for tenants who require them

No representations have been received in regard to Site 2 (Staple Green).

No Right to Speak requests have been received at the time of writing this report.

Consultations

RMBC – Transportation Infrastructure Service:

Site 1 (St Leonards Avenue) - Note that the proposed parking provision is in accordance with the Council's Parking Standards. Access to the properties will be via new vehicular dropped kerbing, and an existing vehicular dropped kerb on the site frontage will require reinstating. No objections have been raised subject to the imposition of conditions relating to surfacing materials and vehicular access arrangements.

Site 2 (Staple Green) - Note that the proposal is for a 2no bedroom dwelling and that car parking provision is in accordance with the Council's parking standards. They also note that there are extensive footway works required in order to facilitate vehicle access to the dwelling and neighbouring dwellings which will require the applicant to enter into a s278 agreement. No objections

to the proposal are raised subject to the imposition of conditions relating to surfacing materials and vehicular access arrangements.

RMBC – Tree Service:

Site 1 (St Leonards Avenue) – The submitted Tree Survey notes that only a very low value Cypress hedge will be impacted. As such there are no Arboricultural objections to the development at this site.

Site 2 (Staple Green) - The arboricultural impact assessment details one tree T2 would require removal to facilitate the development. It details tree T1 could be retained provided it is protected during the development. Trees in Group 1 would be unaffected by the development provided they are protected. A new footpath is required within the Root Protection Area (RPA) of T1. The tree report notes this will need to be laid on top of existing ground levels to avoid severing of important roots. The foundation for the path should use a product capable of absorbing and spreading the weight of the path to prevent soil compaction. Details of the 'no-dig' construction should be provided as part of a planning condition.

The removal of one tree T2 would have a negative arboricultural impact, yet replacement tree planting, as part of a soft landscaping scheme, will go towards mitigating the tree removal. The new tree planting is likely to be outside of the red-line area. Details of the new tree planting should be provided as part of a planning condition.

RMBC Drainage:

Raise no objections subject to the imposition of a condition requiring details of hydraulic calculations to address flooding and rainfall issues to be submitted prior to commencement

RMBC – Ecology:

Raise no objections subject to conditions to protect wildlife and enhance biodiversity. With regard to the Biodiversity Net Gain (BNG) Metric the ecologist is satisfied with the metrics provided and requests that a condition be imposed requiring the full BNG plan to be submitted prior to the commencement of the development.

RMBC – Land Contamination:

Notes that historically both sites have been used for agricultural purposes, for residential purposes and for domestic garage uses. Both of the sites are now disused and are in varying states of disuse, dilapidation etc.

Based on the past former land uses, it was considered there was some potential for each of the sites to be impacted from contamination associated with made ground, unknown garage use, asbestos containing materials. Site investigations were therefore undertaken at each site:

Site 1 (St Leonards Avenue) - Testing of samples has revealed that made ground across the site has yielded elevated concentrations of polyaromatic hydrocarbons (PAHs) and total petroleum hydrocarbons (TPHs). For this reason, remedial measures will be required which will either require disposal

of made ground off site or burial beneath hardstanding areas on site or placement below a clean soil capping layer.
Ground gas is not considered to be an issue at the site.

Elevated concentrations of sulphates have been detected within the soils across the site which have the potential to attack sub-surface concrete. All sub-surface concrete will need to be Design Sulphate Class DS1 with a corresponding ACEC classification of AC-1s.

Site 2 (Staple Green) - Chemical testing of the soil samples obtained has confirmed that the levels of the contaminants tested for are below the governmental guideline values for a residential end use and for this reason remedial measures will not be required at this site. However, no testing was undertaken for asbestos and it is recommended that following the demolition of the garages, near surface soils are tested to ensure they are free from asbestos containing materials. Ground gas is not considered to be an issue at the site.

Elevated concentrations of sulphates have been detected within the soils across the site which have the potential to attack sub-surface concrete. All sub-surface concrete will need to be Design Sulphate Class DS1 with a corresponding ACEC classification of AC-1s.

Conclusion - it is considered there is low risk to the future users of the sites from potential contamination and the sites are considered suitable for their proposed end use. However, limited contamination has been identified within the made ground at Site 1 and some remedial works are required to ensure there are no risks to the future users of the site from the identified contamination.

RMBC – Environmental Health:

Note that there is potential for nuisance from noise, dust and accumulations of mud on the highway during the demolition and construction phases. This may result in adverse impact to the occupiers of the surrounding properties. This can be addressed by suitable informatives regarding site working procedures.

Sheffield Area Geology Trust - No objections

Yorkshire Water – Raises no objections to the development subject to recommended conditions/informatives.

Appraisal

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

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and

(c) any other material considerations. - S. 70 (2) TCPA '90.

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

The main considerations in the determination of the application are:

- The principle of the development
- Design and layout
- Highways issues
- Impact on existing and future residents
- Drainage
- Trees/Ecology
- Land contamination
- Air Quality
- Other issues

The Principle of the development

The sites are both identified in the adopted Rotherham Sites and Policies Document for Residential use, as such the principle of residential development is acceptable on these sites, subject to the developments satisfying other relevant material planning considerations.

Local Plan policy CS33 'Presumption in Favour of Sustainable Development' states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise."

This is further supported by the NPPF which 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...*"

Policy SP64 'Access to Community Facilities' states: "*Residential development should have good access to a range of shops and services.*"

The sites are located within a reasonable distance of shops, schools and other amenities required for future residents' day-to-day activities. Accordingly, the sites are in a highly sustainable location close to amenities and services and would therefore comply with policy SP64 of the Local Plan.

Whilst the sites still have some garages and areas of hardstanding the applicants have carried out an appraisal of garage site requirements in the area. In terms of the existing garages they state that the tenants have either been relocated or no longer require the use of a garage.

Design and layout

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

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

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

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

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

In addition, CS21 'Landscapes' states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes.

Furthermore, CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham and design should take all opportunities to improve the character and quality of an area and the way it functions.

The South Yorkshire Residential Design promotes high quality design and development which is sensitive to the context in which it is located.

The proposed dwellings have been designed to fit in with the existing properties in terms of design, size and scale and use of similar materials. It is

therefore considered that the design of the properties are acceptable and would not conflict with the existing character of the area.

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 where properties are constructed in similar brick with tiled roofs. As such, the dwellings in terms of design and layout would be acceptable.

Highways issues

Local Plan Policy CS14 'Accessible Places and Managing Demand for Travel' states that 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

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

With regard to Site 1 (St Leonards Avenue) concerns have been raised by nearby occupiers that there is only off road parking for one car to each property and the street gets very crowded with cars currently parking on the application site. Additionally, they state that the proposal will have an adverse effect on the access and egress of vehicles to the bungalows in the cul de sac, will deprive residents of much needed off road parking on the site and at the kerbside where the new accesses will be and will have a great impact on disabled residents and their visitors if the resulting loss of parking spaces means that cars are parked in the turning head and block access and parking for them.

The proposed two bedroom properties would have a single parking space each which would comply with the standards set out in the Council's adopted SPD12 – Transport Assessments, Travel Plans and Parking Standards (one space for 1 and 2 bedroom properties).

The garage site itself is in the ownership of the Council and is not a public car park, and could be closed off now to prevent any unauthorised parking within it. Cars parking in the highway should be mindful of blocking existing driveways, however this is not a planning consideration and planning cannot control parking within the public highway.

Site 2 (Staple Green) has also one off road parking space provided for the single two bedroom property which again meets the the Council's parking standards. No objections have been received with regard to highways issues in relation this site.

In respect of the Council garage courts the Council's Transportation Infrastructure Service notes that the Housing Officer has provided information regarding the current tenant use of the garages on both sites, which confirms that the garages are no longer required in these locations. The Transportation Officer considers that the loss of the garage sites should not be detrimental to the 'parking stress' on the existing highways in both locations.

The submitted plans have indicated that the proposed development would result in each property being provided with appropriate off-street parking. The Transportation officers have indicated that they have no objections to the proposals from a highway perspective, subject to conditions regarding the reinstatement of dropped kerbs, hardstanding to be permeable and details of road sections to be submitted for consideration. Therefore, subject to conditions the development would comply with the national and local planning policies and guidance referred to above and there would be no justifiable reason to refuse on highway safety grounds.

Impact on existing and future residents

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."

Paragraph 130(f) of the NPPF states 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, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Both sites are currently garage courts with a few remaining garages, however the area is residential in nature and there are residential dwellings adjacent to each of the sites, both of which are within a residential street setting.

The South Yorkshire Residential Design Guide (SYRDG) sets out appropriate spacing distances between properties. The SYRDG states that there should be a minimum of 21m between principal elevations or elevations with habitable room windows; and that an elevation with a habitable room window should be a minimum of 10m from a boundary with another property. Both sites are in compliance with the above spacing guidelines and have adequate private rear garden areas and acceptable room sizes in compliance with both the SYRDG and the National Spacing Standards.

With regard to Site 1 (St Leonards Avenue) the submitted plans indicated that whilst the new dwellings would be located over 13.5m from the adjacent dwelling at 'Jades Acre' the dwellings would be within the 25% angle taken from that property's nearest ground floor window due to the difference in land levels. However, taking into account the distance between the dwellings and the presence of the high mature hedge which is in the neighbour's ownership and is to be retained it is considered that the proposal would not, in this instance, result in any overbearing impact on the occupiers of the adjacent dwelling.

Accordingly it is considered that the proposed development at both sites would not adversely affect the amenity of existing neighbouring residential properties or the amenity of future occupiers.

There is the potential for disturbance to the occupiers of nearby residential premises as a result of noise and dust nuisance from the proposed demolition and construction phases. It is recommended that an informative be attached to any approval granted to address this.

Accordingly, the scheme would comply with paragraph 130(f) of the NPPF, Local Plan policies CS27 'Community Health and Safety', SP52 'Pollution Control' and the South Yorkshire Residential Design Guide and National Spacing Standards.

Drainage

Local Plan policy CS 25 'Dealing with Flood Risk' states 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."

The Council's Drainage Officer has assessed the proposals and submitted drainage details and notes that the drainage plans are acceptable, however they require the submission of the hydraulic calculations to supplement these to show no flooding in a 1 to 30 year return period and details of how rainfall volumes up to 1 in 100 year return period are accommodated whilst ensuring no flooding to buildings or adjacent land.

Yorkshire water raise no objections to the proposal subject to the drainage work being in compliance with the requirements which are set out in the informatives below..

Trees/Ecology

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...*"

The plans for Site 1 (St Leonards Avenue) have been amended to move the properties out of the root protection area of the adjacent wide conifer hedge,

and as the hedge has been assessed of being of low value the Tree officer has raised no concerns with regard to the development on this site.

However, with regard to Site 2 (Staple Green) the original proposal required the removal of two mature trees fronting the site, though following concerns raised by the Tree Officer the parking bay has been relocated and the dwelling moved slightly to accommodate this, resulting in the requirement to remove only one of the trees. The planting of a replacement tree on adjacent land in the applicant's ownership has been proposed to off-set the loss of the tree.

The Tree Officer recommends that the replacement tree is either a Whitebeam *Sorbus aria* or Swedish Whitebeam *S. intermedia*, extra heavy standard, to replace the one being removed.

Subject to the replacement tree, which is close to the position of the one which is to be removed and would be viewed within the streetscene, the proposals are not considered to have any detrimental impact on the tree coverage in the area.

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

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

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

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

The original Arboricultural assessment proposed the removal of the mature hedge at Site 1 (St Leonards Avenue), though objections to this in terms of the impact on local wildlife have been received and this has since been amended and the properties re-sited to retain the hedge and protect the root protection area of the hedge.

In terms of Site 2 (Staple Green) the submitted Arboricultural report assessed the future prospects of the adjacent trees and their root protection areas and recommended protective measures to ensure the protection of the trees which are to be retained.

The Ecologist has assessed the submitted details and notes that no evidence of roosting bats was observed in the garages at either site and as such no further surveys are recommended.

The conditions set out below are recommended in terms of reducing the impact on other wildlife on the site.

With regard to the submitted BNG metric, the Ecologist is satisfied with the metrics provided and requests that a condition be imposed requiring the full BNG plan to be submitted before the commencement of the development.

Land Contamination

Local Plan Policy SP 54 'Contaminated and Unstable land' states that: "Where land is known to be or suspected of being contaminated, or development may result in the release of contaminants from adjoining land, or there are adverse ground conditions caused by unstable land, development proposals should:

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

Site investigations have been carried out and the details have been submitted and assessed by the Council's Land Contamination Officer who recommends relevant conditions.

Air Quality and Emissions

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

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

All properties are indicated to be equipped with EV charging points and solar panels and as such are considered to comply with the aims of the above policies and guidance.

Other issues

The four South Yorkshire Authorities have committed to ensuring that relevant developments are provided with Gigabit-capable full fibre broadband and an informative is attached in this respect.

Conclusion

It is concluded that notwithstanding the objections received in relation to Site 1 (St Leonards Avenue), the application represents an acceptable form of development on land at both sites which are identified for residential use and which are of an appropriate design that would not adversely affect the character or appearance of the localities.

Furthermore, subject to conditions, the proposals would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or drainage, ecological or environmental issues. The application would comply with the relevant national and local planning policies and guidance and is therefore recommended for approval subject to 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 04, 07, 08, 14 and 15 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 04, 07, 08, 14 and 15 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 location plan and the development shall only take place in accordance with the submitted details and specifications and as shown on the approved plans

Site 1 (St Leonards) Drawing nos:

JR009638-NIE-XX-DR-A-SL-0000

JR009638-NIE-XX-DR-A-SL-0005 Rev P6

JR009638-NIE-XX-DR-A-SL-0200 Rev P3

JR009638-NIE-XX-DR-A-SL-0006 Rev P2

JR009638_ARP_SG_XX_DR_C_1796/07/02 Rev B

JR009638_ARP_SG_XX_DR_C_1796/06/02 Rev C

JR009638_ARP_SG_XX_DR_C_1796/07/3.02 Rev B

JR009638_ARP_SG_XX_DR_C_1796/07/05 Rev A

Site 2 (Staple Green) Drawing nos;

JR009638-NIE-XX-DR-A-SG-1000 Rev P2

JR009638-NIE-XX-DR-A-SG-1200 Rev P3

JR009638-NIE-XX-DR-A-SG-1005 Rev P8

JR009638-NIE-XX-DR-A-SG-1006 Rev P6

JR009638_ARP_SG_XX_DR_C_1792/06/02 Rev A

JR009638_ARP_SG_XX_DR_C_1796/06/08 Rev C

JR009638_ARP_SG_XX_DR_C_1796/06/03 Rev C

JR009638_ARP_SG_XX_DR_C_1796/06/05 Rev C

JR009638_ARP_SG_XX_DR_C_1796/06/09 Rev B

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 nos:JR009638-NIE-XX-DR-A-SL-200 Rev P3 (site 1) and JR009638-NIE-XX-DR-A-SG-1200 Rev P3. 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.

Drainage

04

The development hereby granted shall not be begun until hydraulic calculations to show no flooding to a 1 in 30 year return period (plus climate change), and details of how rainfall volumes up to 1 in 100 year return period (plus climate change) are accommodated whilst ensuring no flooding to

buildings or adjacent land, have been submitted to and approved by the Local Planning Authority. The approved works shall be brought into use prior to the occupation of the development.

Reason

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin and in accordance with Policy CS25 of the Local Plan.

Highways

05

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

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

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

Reason

To ensure that surface water can adequately be drained 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.

06

Site 1 – St Leonards Avenue: When the proposed access has been brought into use, the existing access marked on the submitted plan ref JR009638_ARP_SG_XX_DR_C_1796/07/02 shall be permanently closed and the footway reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interests of road safety.

07

Site 2 – Staple Green: The development shall not be commenced until details of the proposed vehicular accesses and the re-kerbing and reconstruction of the footway on the site frontage to Staple Green, (Drg No JR009638-NIE-XX-DR-A-SG-1005 Rev P8 refers) have been submitted to and approved in writing by the Local Planning Authority and the proposed development shall not be occupied until the approved details have been constructed.

Reason

In the interests of road safety.

Trees/Ecology

08

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. This shall be positioned in accordance with details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity.

09

Landscaping of the site as shown on the approved plans (drawing nos. JR009638-NIE-XX-DR-A -SL-0006 Rev P2 (Site 1) and JR009638-NIE-XX-DR-A-SG-1006 Rev P6 (Site 2)) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

10

Following the removal of the tree fronting Site 2 (Staple Green) a replacement tree shall be planted within the first available planting season in the position shown on the submitted plan ref JR009638 1006 Rev P6, the replacement tree shall be either a Whitebeam Sorbus aria or Swedish Whitebeam S. intermedia, extra heavy standard.

Reason

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

11

Prior to the construction of the new footpath on Site 2 (Staple Green) details of the 'no-dig' construction shall be submitted to and approved by the Local Planning Authority. The 'no dig' construction shall be implemented in accordance with the approved details.

Reason

To protect the long term prospects of the adjacent tree.

12

Prior to the first occupation of the dwellings hereby approved details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features. The lighting shall be designed in accordance with the 'Guidance Note 08/18: Bats and artificial lighting in the UK' (Institute of Lighting Professionals, 2018).

Reason

In order to protect the local wildlife

13

No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the works commence, and has provided written confirmation to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reason

In order to protect local wildlife

14

No development shall commence until Biodiversity Enhancement & Management Plans (BEMPs) for each site have been submitted to and approved in writing by the Local Planning Authority. The Plans shall provide a:

- i) Description and evaluation of features to be managed and enhanced; including

- a) Description of new landscape planting incorporating native plant species
- b) Gaps of suitable dimensions (130mmx 130mm) should be provided at the foot of permanent perimeter and boundary fences at selected points to permit the movement of hedgehogs around the site post construction.
- c) To ensure that holes are kept open 'Hedgehog Highway' signage should be provided (sourced by Peoples Trust for Endangered Species and/or British Hedgehog Preservation Society) and secured above the holes.
- d) The location and number of bat roosting features should be included within the new residential properties
- e) The location and number of bird nest boxes should be integrated into the new residential properties.

- ii) Extent and location/area of proposed enhancement works on appropriate scale maps and plans;

- iii) Aims and Objectives of management;

- iv) Appropriate Management Actions for achieving Aims and Objectives;
- v) An annual work programme (to cover an initial 5 year period);

For each of the first 5 years of the Plans, a progress report shall be sent to the Local Planning Authority reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period.

The Plans shall be reviewed and updated every 5 years to ensure their aims and objectives are being met. The approved Plans will be implemented in accordance with the approved details.

The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme

Reason

To ensure no net loss in biodiversity across the sites.

Land contamination

15

Following demolition and prior to development commencing at Site 2 (Staple Green), testing for asbestos containing materials within the near surface soils shall be undertaken to confirm the presence/absence of asbestos contamination across the site. The results of such testing shall be submitted to and approved by the Local Planning Authority and any steps necessary to address any contamination present shall first be agreed in writing with the Local Planning Authority.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

16

Prior to any remediation works commencing on Site 1 (St Leonards Avenue), a Remediation Method Statement shall be submitted to and approved by the Local Planning Authority. The works shall be of such a nature as to render harmless the identified contamination and given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in accordance with the findings identified within the Phase II Intrusive Investigation Report. The Local Planning Authority must be given two weeks written notification of commencement of the remediation works (applicable to Site 1 only).

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

17

If 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 the approved Method Statement (applicable to both sites).

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

18

Due to elevated sulphate concentrations being detected, buried concrete for the sites shall be designed to a design sulphate classification of DS-1 with a corresponding ACEC class of AC-1s (applicable to both sites).

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

19

If subsoil/topsoil is required to be imported to site for remedial works/garden areas, then these soils must be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination (applicable to both sites).

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

20

Following completion of any remedial/ground preparation works on Site 1 (St Leonards Avenue) a Validation Report shall be forwarded to the Local Planning Authority for review and comment. The Validation Report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the Validation Report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be

brought into use until such time as all validation data has been approved by the Local Planning Authority (applicable to Site 1 only).

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

Informatives

01

Drainage Informatives:

In order to discharge condition 04 (drainage details), the applicant is advised that they would be expected to submit information including but not limited to the following:

i) Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients and flow directions.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

ii) Surface Water Discharge from Brownfield Site:

There should be no increase in surface water discharge from the site to existing sewers / watercourses. On site surface water attenuation will therefore be required if drained areas to existing sewers / watercourses are to be increased.

A 30% net reduction to existing peak discharge (up to a 1/100 yr storm + 40% CC) will be required if the site is being re-developed. A full justification will be required where the development cannot achieve the 30% betterment on the existing run-off rate.

iii) On Site Surface Water Management:

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land. The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc. to demonstrate how the 100 year + 40% CC rainfall volumes will be controlled and accommodated.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway. Guidance on flood pathways can be found in BS EN 752.

iv) Written evidence is required from the LLFA / sewerage undertaker to confirm any

adoption agreements and discharge rates.

v) All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable)

Yorkshire Water Authority requires the following:

- a. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
- b. 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: i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second for each separate site.
- c. 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
- d. The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal.
 - i) 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.
 - ii) The developer and LPA are strongly advised to seek comments on surface water disposal from other drainage bodies as further restrictions may be imposed.
 - iii) As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal.
 - iv) As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public at a restricted rate of discharge not to exceed 3.5 litres per second.

02

Ecology:

If a bat or evidence of bats using a feature on site is discovered prior to or during development all work should stop immediately. A licensed bat consultant or Natural England must be contacted and works implemented only in accordance with methods advised by them

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.

03

Highways

With regard to the Staple Green site there are extensive footway works required in order to facilitate vehicle access to the dwelling which will require the applicant to enter into a s278 agreement. The applicant is advised to contact David Phillips via email david.phillips@rotherham.gov.uk in order to commence the legal agreement required to progress this work.

04

Environment

Site management procedures

- a. Except in case of emergency, no operations shall take place on site other than between the hours of 0800 to 1800 hours Monday to Friday and between 0900 to 1300 hours on Saturdays. There shall be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.
- b. All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.
- c. At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption. Any accidental

deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

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

05

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

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2023/0125 https://rotherham.planportal.co.uk/?id=RB2023/0125
Proposal and Location	Erection of 29 dwellings, including access, landscaping and ancillary works at land at Oak Road, Wath-upon-Dearne
Recommendation	<p>A. That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • 7 Affordable Housing Units on site (25% of total units) • A commuted sum of £500 per dwelling (£14,500) towards sustainable transport promotion. • A commuted sum of £56,091 towards education secondary education in Wath-upon-Dearne. • Establishment of a Management Company to manage and maintain the areas of Greenspace on site. <p>B. Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>

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



Site Description & Location

The site is accessed off Oak Road and was formerly the Oak Day Centre for people with special educational needs. This closed in 2019 and the building was demolished soon after. The site has remained undeveloped since.

There are existing residential properties on all four sides of the application site, which consist of mainly single-storey dwellings, albeit there are some two-storey dwellings adjacent the site and beyond.

There are a number of existing mature trees and hedgerows on the site boundaries, beyond which are residential gardens to the north, west and south.

The site lies approximately 1km from Wath Town Centre.

Background

There have been numerous planning applications submitted relating to this site. The most recent and relevant of which is:

RB2020/0534 – Application to determine whether prior approval is required of the method of demolition and restoration of the site re: - various single storey buildings with pitched and flat roofs – Granted

CIL

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

Proposal

The application for the erection of 29 dwellings on land off Oak Road, including details of access, landscaping and associated works.

The development is proposed to provide a mix of semi-detached and detached properties at two-storey and will include:

- 7no 2-bedroom properties (all semi-detached)
- 20no 3-bedroom properties (including 1no detached and 19no semi-detached); and
- 2no 4-bedroom properties (all detached)

The scheme will also deliver 7 affordable units on site, including 3 two-bed and 4 three-bed properties. These will be dispersed across the site and will be of the same house types as the open-market dwellings.

The dwellings would be constructed using the following material palette:

- Walls – brick and render with feature brick banding and artificial stone heads & cills. Some properties are proposed to be fully red brick, other fully grey brick and other a mixture of grey brick and render.
- Roof – grey concrete interlocking tiles,
- Windows –grey UPVC, double glazed as standard.
- External front doors – black UPVC frame, black composite doors, double glazed as standard.
- Other external doors – black UPVC, double glazed as standard.
- Rainwater and Soil Goods – Black UPVC with matching downpipes, brackets, etc.

Each dwelling would be constructed to the New Part L of Building Regulations, and each dwelling will have PV renewable technology to comply with Part L.

Each dwelling will include:

- 2 allocated parking spaces, with 1 electric vehicle charging point.
- Access to 5 additional shared visitor parking spaces.
- Areas for cycle storage.
- Outdoor space, with rear gardens providing a minimum 10m depth
- Space for bin storage in the rear garden.

One group and 11 individual trees are expected to be removed to facilitate the development.

There are to be a variety of boundary treatments including, brick walls and timber fences.

An area of accessible shared green public open space (POS) of approximately 0.06ha in the centre of the development is proposed. Additional landscaping along the Oak Road frontage is proposed, as well as within the site and in residential gardens.

The site will be accessed from a single point off Oak Road and will be built around a central mews court, with the existing access points blocked up. Private Drives will feed from the internal loop road to serve units in the corners of the site and facing Oak Road.

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

Planning Statement

The Statement provides a detailed assessment of the site, its surroundings, the proposed development and an assessment against planning policy.

Design and Access Statement

The Statement provides details on the site, the proposals, community involvement, sustainability / renewables and secured by design.

Construction Management Plan (including Traffic Management Plan)

The CMP provides details on construction hours, how the site will be accessed during the construction phase, where materials will be unloaded and stored, how matters such as dust, dirt and noise will be controlled during the construction phase.

The Traffic Management Plan indicates the build out route within the site, the siting of the temporary site compound and construction workers car parking areas.

Promoting Equal and Healthy Communities Checklist

The Checklist has been submitted and provides details against the various criteria of how the scheme will contribute towards promoting equal and healthy communities. It provides details on how the development proposals contribute to a safe and accessible public realm and movement network for all users, including encouraging walking and cycling over motor vehicles; whether the development been designed to provide a safe, attractive and well-designed environment which meets the needs of the community; how does the scheme enhance and integrate into the existing Green Infrastructure Networks; and how the development impacts on different communities and groups.

Biodiversity Survey and Results

The report considers the potential ecological constraints associated with the proposed development site and the need for further reporting or output to support a planning application.

The Site is comprised of common and widespread habitats of limited ecological value, with the array of trees being the habitat making up most of the value of the site within the DEFRA metric. Further surveys in support of a planning application have not been recommended.

Biodiversity Gain Assessment (Amended)

The assessment is informed by a Preliminary Ecological Appraisal carried out by Brooks Ecological (report ref. ER-6442-01). To conform with DEFRA's Biodiversity Metric 3.1, habitats have been mapped in accordance with the UK Habitats Classification.

Biodiversity Accounting metrics are used to quantify the value of a site in Biodiversity Units, which helps in assessing the ecological impacts of the proposed development on the Site.

The Site has been assessed as having a post-development score of 6.67 Habitat Units and 0.44 Hedgerow Units.

The score is based on our interpretation of the Landscape Masterplan.

This includes the retention of several existing trees and planting of variety of new native species trees include oak, lime, cherry, silver birch, rowan and apple.

The proposals also include enhancing some retained grassland along the roadside plus sowing of wildflower grassland in public open space and in planting boundaries around the Site. In public open space, a poor grassland condition has been assumed due to the likelihood of a more regular mowing regime.

The exercise identifies an overall net gain of 0.94 Habitat Units (+16.465%), and a net gain of 0.09 Hedgerow Units (+27.09%).

Arboricultural Impact Assessment, including Tree Survey

The tree survey revealed a total of thirty-one individual trees and two groups of trees. Of these, twelve trees were identified as retention category 'B' and twenty-one trees/groups were identified as retention category 'C'. There were no retention category 'A' or 'U' trees identified.

A Tree Constraints plan has also been submitted which plots the trees that are on the site currently, gives them a category and provides a root protection area.

A Tree Protection Plan has been submitted as well, this indicates which trees are to be removed, which are to be retained and the type and location of protective fencing during the construction works to protect the retained trees.

One group (G28) and eleven individual trees are expected to be removed to facilitate the development.

Building for Life Assessment

The document provides a detailed assessment of the development against the Building for Life Criteria.

Amenities Study

The plan shows the amenities within 400m, 800m and 1600m radius from the site. The amenities mainly fall within the 800m and 1600m radii and include local shops, larger supermarkets, education facilities, areas of green space, pubs, restaurants and takeaways and healthcare facilities.

Refuse Management Plan

The drawing submitted provides details of the location on bins and the location of bins (at front of drives) on bin collection days.

Phase II

The report presents observations and factual data obtained during a site investigation and provides an assessment of geoenvironmental issues.

There are no known quarries within 50m of the site, there are no landfill sites within 250m of the site, no contamination was encountered, and it is in a Flood Zone 1.

Transport Statement

This Transport Statement considers such matters as access, sustainability, car parking, accident data and servicing, and presents the proposals in relation to current guidance and data. The traffic impact associated with the current development proposals is also presented.

The report concludes that the anticipated increase in the level of traffic generated by the proposed development would not be discernible from the daily fluctuations in flows that could be expected on the strategic highway network. Therefore, the level of traffic generated by the proposals can be accommodated and will have no material impact on the safe operation of the local highway and will not significantly add to any congestion at the peak times on the local network.

Travel Plan

The principle aim of this Travel Plan is to encourage a reduction in car usage, particularly single occupancy journeys, and increase the use of public transport, car sharing, walking and cycling.

The Travel Plan is focussed on the future occupiers of the proposed development. The specific measures will help to provide a focussed and effective Travel Plan to encourage users to vary or change from their reliance on private car travel.

The plan notes that the site is in a sustainable location, with good facilities for travelling using modes other than single occupancy private car trips.

Soil Strategy

The statement provides details on what will happen to the topsoil that is on site already and how it will be used in the development.

Drainage Strategy

The strategy provides details on a Foul and Surface Water Drainage Strategy for the development. The report provides details on the site, consultations with relevant bodies i.e. Environment Agency, Water Company, the Council's Drainage Section as well as details on Climate Change.

The report provides details on the proposed drainage system to be used where water will be drained.

It notes that infiltration techniques are unsuitable on this particular site, and discharge to the watercourse which runs through the site and towards the south is considered the most sustainable option.

Surface water discharge will be attenuated to a maximum rate of 35l/s, which accounts for a 30% reduction in existing brownfield run-off rate. Surface water storage will be provided within the site by means of an attenuation tank, to manage surface water up to the 1 in 100 year plus climate change event before discharge to the public sewer network. A 40% increase in the 1 in 100 year rainfall intensity has been incorporated into the proposals to account for the projected impacts of climate change.

Foul water domestic waste will discharge to the combined public sewer in Oak Road to the east of the site.

Development Plan Allocation and Policy

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

The application site is allocated for Community Facilities in the Local Plan. 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'
- CS6 'Meeting the Housing Requirement'
- CS7 'Housing Mix and Affordability'
- CS14 'Accessible Places and Managing Demand for Travel'
- CS19 'Green Infrastructure'
- CS20 'Biodiversity and Geodiversity'
- CS21 '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'

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'
SP57 'Sustainable Construction'
SP62 'Safeguarding Community Facilities'
SP64 'Access to Community Facilities'
WCS7 'Managing Waste in All Developments'

Other Material Considerations

The National Planning Policy Framework (NPPF) (as revised) states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

The National Planning Practice Guidance (NPPG)

The National Design Guide

National Internally Prescribed Internal Space Standards

South Yorkshire Residential Design Guide

Rotherham Adopted Supplementary Planning Documents:

- Air Quality and Emissions
- Promoting Healthy and Equal Communities
- Affordable Housing
- Community Facilities
- Transport Assessments, Travel Plans and Parking Standards

Emerging Rotherham Supplementary Planning Documents:

- Biodiversity Net Gain
- Developer Contributions
- Trees

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 8 letters of representation have been received from individual addresses. The issues raised are summarised below:

- Concerns about increased traffic during and after construction.
- Houses are not suitable for this site as the surrounding properties are generally single storey and the houses will impact on the bungalows.
- The size and scale of the development is not acceptable.
- The properties will overlook neighbouring properties.
- Concerns over highway impact.
- There are too many properties proposed.
- Concerns over trees will be removed from the site.
- Concerns over impact over construction phase.
- Impact on habitats.

Four Right to Speak requests have been received, three from local residents and from the applicant.

Consultations

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

RMBC – Trees: No objections subject to conditions.

RMBC – Education: A contribution would be required towards secondary education in the area.

RMBC – Drainage: No objections subject to conditions.

RMBC – Environmental Health: No objections subject to conditions.

RMBC – Affordable Housing: No objections.

RMBC – Land Contamination: No objections.

RMBC – Landscapes: No objections subject to conditions.

RMBC – Ecology: No objections subject to conditions.

RMBC – Air Quality: No objections.

Yorkshire Water: No objections subject to conditions.

SY Police Architectural Liaison Officer: No objections subject to satisfying Secured by Design requirements.

SY SuperFast Broadband: No objections subject to conditions.

Rotherham NHS CCG: No objections.

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
- Highways
- Landscapes and Trees
- Ecology / Biodiversity
- Drainage and Flood Risk
- Air Quality and Sustainability
- General amenity issues
- Impact on existing / proposed residents
- Land Contamination
- Impact on Education / GPs
- Issues raised by objectors
- Planning Obligations
- Other considerations

Principle

The site is allocated for Community Facilities and was last in use for a community use. The main issue therefore in respect of principle is the fact that the proposal would result in the loss of a community use and facility as defined in the Sites and Policies Plan document and the adopted Supplementary Planning Document 'Safeguarding Community Facilities'.

Policy SP62 'Safeguarding Community Facilities' states:

"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...

Development proposals which involve the loss of other community facilities shall only be permitted where the Local Planning Authority is satisfied that adequate alternative provision has been made or where some other overriding public benefit will result from the loss of the facility, or that the retention of the land or building in community use is no longer viable, on the basis that:

d. the site or premises have been marketed to the Council's satisfaction for at least 12 months and included both traditional and web-based marketing, and regular advertisement in local, regional and / or national publications as appropriate; and

e. opportunities to re-let premises have been fully explored including the formation of a social enterprise or charitable group that can take over the premises; and

f. the premises / site have been marketed at a price which is commensurate with market values (based on evidence from recent and similar transactions and deals); and

g. it has been demonstrated that the terms and conditions set out in the lease are reasonable and attractive to potential businesses, and that no reasonable offer has been refused."

Furthermore, the adopted SPD 'Safeguarding Community Facilities' states:

"40 Applicants will need to demonstrate that either:

- adequate alternative provision has been made, or*
- there is some other overriding public benefit that will result from the loss of the facility, or*
- the retention of the land or building in community use is no longer viable.*

41 Applicants only need to satisfy one of the bullet points above. For example, if appropriate evidence demonstrates that alternative provision has been made there is no requirement to also demonstrate a public benefit or that the site is no longer viable for community use. It is only if applicants are seeking to show that community use is no longer viable that criteria d to g will be applicable (these criteria relate to marketing of the site).

42 In all cases sufficient robust evidence will need to be provided by applicants to demonstrate how the policy has been met. This evidence will vary depending on each individual case."

The SPD further notes that in order to prove there is adequate alternative provision, evidence is expected to demonstrate:

- the level of need for the particular service or facility in question;
- the location(s) where alternative provision has been made, and
- how this alternative provision meets the identified needs.

It is expected that the alternative provision will be in the form of built development rather than undeveloped land; because there is no guarantee that alternative provision will be provided on this land the Local Planning Authority will not be in a position to agree that alternative provision sufficient to meet identified needs has been provided.

Further to the above, adequate alternative provision will be dependent on the specific circumstances of each case; submitted evidence should clearly establish:

- the use and need the site is meeting at present (including the geographical area of this need), or the previous use and need if the site is no longer in use;
- projections of this need in the future; and
- how this need will be met in the absence of the site or premises.

In respect of Policy SP62, it is of note that at a Cabinet Meeting on 19th October 2020 it was approved to dispose of the Council's freehold interest in the former Oaks Day Centre (the site). The report to Cabinet noted that in May 2018 the Cabinet approved Adult Services' proposals for the transformation of the Learning Disability Service. This transformation strategy resulted in the decommissioning of the Oaks Day Centre and the site was subsequently vacated in December 2019.

The service moved from the Oaks Day Centre with all the service users who attended having a review of their social care needs in accordance with the Care Act 2014 and each patient was reviewed on a case by case basis to understand what alternative provision would be most suitable to their needs and then relocated to one of the various service facilities within the Borough, whether that be an Extra Care facility of which there is one in neighbouring Swinton; residential / nursing home of which there is a facility closeby in Wath and others in neighbouring Brampton Bierlow and Swinton, as well as elsewhere in the Borough; or in supported living where there are a number of sites in Wath and the immediate surrounding areas, as well as in the wider Borough.

During this time consultations were undertaken with all relevant Service Areas through the Assets Management Board and no other alternative operational uses were identified for the Day Centre. Therefore, alongside the disposal of the site permission was sought to demolish the Day Centre to protect the site from anti-social behaviour ahead of any redevelopment.

It was agreed by Cabinet that the Day Centre would be disposed of on the open market and could look to be demolished subject to appropriate planning approvals. Prior Approval was granted in April 2020 for the demolition works

(ref: RB2020/0534). The Cabinet considered that the community use was no longer viable and the redevelopment of the site for residential development. It is

The Council's Estates Team who look after the site and disposed of the asset, have confirmed that:

"I can confirm that the closure of Oaks Day Centre was part of the Adult Care Transformation of Learning Disability Services and was agreed in a cabinet report back in 2018. The service moved from the Oaks building which was decommissioned. All the service users who attended had a review of their social care needs in accordance with the Care Act 2014 and are now accessing a range of alternative service provisions in the borough."

The adopted SPD identifies that a development on land allocated or previously used for Community Facilities only need to demonstrate either adequate provision has been made, or there is some other overriding public benefit that will result from the loss of the facility, or the retention of the land or building in community use is no longer viable.

The information outlined above demonstrates that adequate provision has been made for the previous Community Facility as such there is no requirement to also demonstrate the other reasons or compliance with criteria d to g of Policy SP62 'Safeguarding Community Facilities'.

Therefore, it is considered that the principle of residential development on this site is

acceptable and compliance with Policy SP62 'Safeguarding Community Facilities' has been demonstrated. The proposed development therefore accords with the development plan and as such sustainable development should therefore look to be supported in principle without delay.

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

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

Access to Community Facilities

Policy SP64 'Access to Community Facilities' states: *"Residential development should have good access to a range of shops and services. On*

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

The applicant has submitted a plan showing the location of local amenities close to the site, these include, healthcare facilities, local shops, a large supermarket, public houses, restaurants, schools, and recreation spaces.

It is considered that the site is in a highly sustainable location that would allow future residents access to a number of community facilities within a short distance.

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 together with the site layout shows that the will provide links to the existing footpath network, which then provides links to the wider area and to neighbouring fields and recreation spaces.

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 above and the mix of housing proposed on this site it is considered that the scheme complies with the requirements of the above policy. Whilst the properties will be mainly be three bed there are some two and four bed as well.

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

Design, Scale and Appearance

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

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

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

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

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

Paragraph 134 states *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵², taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

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

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

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

With regard to the site layout, it has been sympathetically designed with the access road coming into the site and looping around a central area of public of space, which provides future residents with a pleasing outlook and an area for informal recreation.

The dwellings are located to the north, south and west of the site, backing onto the rear gardens of existing properties which surround the site, while there will be some properties adjacent to Oak Road, which together with sympathetic boundary treatment will provide an attractive road frontage.

The dwellings are provided with sufficient off-street parking and private amenity spaces in line with the relevant guidance. Furthermore, whilst there is a predominant character of bungalows around the site, there are some two-storey dwellings and the siting of the proposed dwellings ensures that there is sufficient inter-house spacing standards, while outlook will not be compromised from the bungalows, and they will not overlook or have any overshadowing that would be at a level that would adversely affect neighbouring residents. As such the proposed development of 29 properties would not be overdevelopment of the site.

With regard to the design of the properties they are acceptable and raise no design issues. Their design, size, scale, form and proposed materials will ensure the development would not be at odds with the character of the immediate surrounding area and would not introduce an incongruous feature.

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 in terms of size, scale, form and design would be acceptable.

Therefore, for the reasons set out above and subject to conditions the proposed development would be in compliance with the local and national planning policies and guidance referred to and as such would not give rise to any design issues.

Highways

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

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

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

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

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

The amended proposed site layout plan conforms with the guidance from both the South Yorkshire Residential Design Guide and Manual for Streets. The site has been designed to a 20mph speed limit and the developer has confirmed that they will fund the traffic regulation order and any appropriate signage / road markings associated with it. Accordingly, subject to conditions there are no issues with the proposed layout in a highway context.

In addition to the above, the proposed car parking facilities are in accordance with the Council’s minimum residential car parking standards as required by adopted SPD ‘Transport Assessments, Travel Plans and Parking Standards’, as each property would be provided with the specified number of off-street parking spaces in relation to bedroom numbers. Furthermore, each property is shown to be provided with an EV charging point. Accordingly, subject to conditions the level of parking and EV Charging Points are acceptable and raise no highway issues.

The Transport Statement submitted with the application highlighted that the site is well located in terms of access to local amenities and facilities. The new point of access, which is slightly south of the existing access has been assessed and visibility can be achieved in accordance with Manual for

Streets. The Transport Statement also concludes that the level of traffic generated by the proposals can be accommodated and will have no material impact on the safe operation of the local highway network. The Council's Transportation Infrastructure Service concur with this conclusion.

A Travel Plan has been submitted in support of the application and the plan assessed the existing pedestrian, cycling and public transport facilities in the area and concluded that sustainable travel opportunities for residents and visitors are within a reasonable walk / cycle distance of the proposed development and bus services to Rotherham / Barnsley are also within a reasonable walking distance. In order to promote sustainable travel choices, in accordance with the Council's adopted Local Plan the application has agreed to contribute £500 per dwelling which will be used on local improvements / travel measures to aid sustainable travel and will be secured via a s106 legal agreement.

Overall, from a highway perspective, the scheme complies with both national guidance and industry standards, it is in accordance with the Local Plan and National Planning Policy Framework in that it promotes sustainable travel / transport, it has safe and suitable access for all highway users, the scheme if implemented will not have an unacceptable impact on highway safety and the residual cumulative impact on the road network will not be severe. Therefore, subject to conditions and securing the s106 contribution, there are no objections to the proposal from a highway context.

Landscapes and Trees

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 contains a significant number of maturing trees predominantly located along the boundaries. The most visually significant being the line of previously poorly managed Lime trees along Oak Road.

In respect of the revised landscape scheme submitted with the application there are no concerns from a landscape perspective to the proposed

replacement planting scheme, both along the Oak Road frontage and within the site to mitigate the loss of the trees on the frontage and within the site that have to be lost to enable the access and the dwellings. Therefore, subject to a standard landscape condition requiring some minor additional information and a 5 year replacement planting agreement, there are no objections from a landscape perspective.

In respect of boundary treatment, generally the proposals appear acceptable and would be in keeping with its surroundings. The open nature of the site frontage to Oak Road will provide an attractive landscape frontage and overall the boundary treatment proposed would raise no significant concerns.

Therefore, the scheme subject to condition would comply with the landscape policies referred to above.

Trees

The site contains many established trees, generally along the boundary areas, yet with occasional established trees within the central site area. Collectively the trees form an important element of green infrastructure and provide good visual amenity value to the site and surrounding areas.

A tree survey has been provided as part of the application; the report details 31 individual trees and 2 groups of trees, 12 trees are category B and 21 trees/groups category C. In general, the tree survey gives a reasonable assessment of the tree cover, however it appears to undervalue many of the trees along the eastern boundary.

Trees along the east, T4 to T19 are dominated by early mature Lime. These appear to have been heavily pruned, around 15 years ago and have now generally developed crowns with a denser shrubby form with minor structural defects. While the past pruning has reduced their amenity value slightly, this type of management is not uncommon for this species, and they have generally responded well and have good vigour. These trees generally have fair long-term prospects of 20+ yrs. It is considered that T5 and T18 should be category B, trees T10, T12, T13, T15, T19 would also warrant retention for their landscape value.

Trees to the southern boundary (T20 to T26) have had similar heavy historic pruning yet this is not highlighted in the report as a significant defect and these trees are given an accurate retention category of 'B'.

A revised Arboricultural Impact Assessment with Tree Impacts Plan has been provided as part of the application. The AIA/TIP provides a shade plan and draft tree protection plan. Of the 33 trees/groups, 1 group (G28) and 11 individual trees are expected to be removed to facilitate the development. This is an improvement from the original layout, which showed the removal of 21 individual trees and 1 group.

The properties along the southern boundary have been moved north, to reduce shade and nuisance issues from the adjacent trees. The provided shade plans show the trees T20 to T26 will still cast shade over the garden areas and dwellings at certain times of the day. Yet, on balance, the trees are unlikely to place an unreasonable amount of shade on the adjacent dwellings throughout the year. Careful crown pruning to these trees in accordance with BS3998 would help reduce any further shade and nuisance issues.

The trees along the southern boundary provide important screening for the neighbouring properties. It is likely the trees meet the criteria for a Tree Preservation Order, and this should be explored further with the Tree Service.

The provided pruning specification within the AIA is too vague and a specific pruning works specification in accordance with BS3998 should be provided within an AMS which can be secured via condition. Trees should only be crown reduced where justified, for example to mitigate direct shade, where the species and past management suggest this is suitable. Crown lifting over the footpath is likely to be required for retained trees along the east.

In light of the above it is considered that subject to conditions the proposed tree works are considered to be acceptable and would comply with the requirements of the policies referred to above.

Ecology / Biodiversity

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

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

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

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

The submitted Preliminary Ecological Appraisal document has been considered and assessed by the Council's Ecologist.

The conclusions and recommendations given within the aforementioned document in respect of site clearance of vegetation being undertaken outside

of the breeding bird season (March to August inclusive) is noted and accepted. The Council's standard informative regarding this matter will be added to any approval, as the matter is covered under separate legislation.

It also recommends that 8 bird boxes should be installed onto buildings post development, and they should be integrated into the building on a northerly aspect / orientation (north, north-east and north-west).

The report assumes the presence of hedgehogs on-site and recommends that access holes should be put in place between garden fences and barriers to make the development permeable to hedgehogs.

In terms of bats, the report indicates that the development does not pose a risk to bats and these findings are noted and deemed acceptable by the Council's Ecologist. However, as recommended the development should incorporate 8 bat boxes or bricks into the buildings and integrated into the proposed roof on a southerly aspect / orientation (south, south-west and south-east).

As set out above, information regarding the biodiversity enhancements that are to be created on-site is required in the form of a biodiversity enhancement plan. This would cover the location of bird boxes, bat roosting features and hedgehog corridors on site. This plan will be secured via a suitably worded condition imposed on any future approval.

In regard to Biodiversity Net Gain, the original assessment showed a deficit due to the number of existing trees that were to be removed from the site. After discussions with the applicant a number of existing trees previously earmarked for removal are now to be retained and this is shown in the revised landscape and tree assessments.

This has resulted in the submitted revised BNG assessment now showing an overall net gain of 0.94 Habitat Units (+16.465%), and a net gain of 0.09 Hedgerow Units (+27.09%). Accordingly, the proposed development due to the retention of more trees on site and the extent of the proposed new tree planting within the scheme ensures that the proposal provides a biodiversity net gain and satisfies the requirements of adopted Local Plan Policy SP33 'Conserving the Natural Environment'.

Having regard to the above, and subject to conditions it is considered that the proposal would result in appropriate biodiversity enhancements and a biodiversity net gain. Accordingly, the proposal would raise no concerns with regard to the impact on biodiversity.

Drainage and Flood Risk

Policy CS25 'Dealing with Flood Risk' states proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. Furthermore, policy SP47

'Understanding and Managing Flood Risk and Drainage' states the Council will expect proposals to demonstrate an understanding of the flood route of surface water flows through the proposed development; control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS) and consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding problems. These policies are supported by paragraphs 167 and 169 of the NPPF.

The Council has records of the drainage system serving the previous development, but this will likely have been removed as part of any demolition. The Council are unaware of any watercourses within the site boundary.

The Environment Agency's flood maps show localised areas of surface water flood risk. However, this are likely to have been caused by the previous development. Further information about flood risk is available on the gov.uk website under the flood warning information service and the Environment Agency's website.

The site is classed as brownfield for runoff purposes and the maximum runoff rate should be reduced in line with guidance in the "Non-statutory technical standards for sustainable drainage systems" (DEFRA, 2015) or any subsequent replacement guidance or advice. The Council will not accept less than a 30% reduction in run-off as a minimum. Yorkshire Water should be contacted for advice regarding discharges to existing combined, foul and / or surface water public sewers and they may impose lower runoff rates if surface water is to be discharged to the public sewer system.

The Council's Drainage Engineer has indicated that they have no objections in principle to the proposed development subject to a condition being imposed requiring the details of foul, surface water and land drainage systems to be submitted and approved. Furthermore, subject to conditions Yorkshire Water have raised no objections to the site being developed.

Accordingly, subject to conditions, the proposal would not give rise to any drainage issues or flood risk concerns either on the site or to adjacent sites. Therefore, the proposal would be in compliance with the policies referred to above.

Air Quality and Sustainability

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

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

The applicant has provided a drawing showing each property being provided with a charging point. This is in line with the requirements of the SPD 'Air Quality and Emissions'. A condition will ensure that the EV charging point for each dwelling is provided before each dwelling is occupied and is thereafter maintained and retained.

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

General amenity issues

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

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

In 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.

A Construction Management Plan, Site Management Plan and Traffic Management Plan has been submitted in support of the application.

The documents provide details on construction working hours, how long the works will take, location of site compounds, workers vehicles, storage of materials, construction traffic route, amongst other things.

In terms of working hours, it has been set out the construction works will take place between the hours of 8am and 6pm Monday to Friday and between 8am and 1pm on Saturdays. It also notes that deliveries will be between 9am and 3pm to avoid disruption at school drop off / pick up times.

Access to the site, will be via Chestnut Avenue onto Oak Road, as Chestnut Avenue is the widest route. This has been amended in the latest CMP after concerns were raised by residents Poplar Drive that Poplar Drive was too narrow and would impact on the trees that line Poplar Drive.

The site compound and materials will be stored on site as will construction workers vehicles, this was proposed to be close to the front of the site adjacent to the boundary with 94 Oak Road. After assessing the location of the compound and the objection received by the occupants of 94 Oak Road, it was requested that the compound be relocated so that it would not be within 1m of the property at 94 Oak Road to avoid any potential amenity issues during the construction phase.

The compound has been relocated and will now be to the central part of the site away from site boundaries and where the public open space would be located. Furthermore, the site parking area for the construction works has been brought away from the southern boundary of the site. This relocation is considered to overcome the issues raised by the local resident and would reduce the impact on all surrounding residents.

The documents also indicate how matters such as mud on the highway, dust and noise will be addressed and minimised during the construction phase.

The documents referred to above have been considered and it is considered that they are acceptable and will ensure that issues raised during the construction phase and disturbance to local residents would be minimised. Accordingly, subject to the details of the documents being complied with the construction phase of the development would satisfy policies CS27 and SP52 of the Council's adopted Local Plan.

Impact on existing / proposed residents

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

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

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

Further to the above the NPPF at paragraph 130 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."*

In respect of the above policies and guidance, it is noted that the inter-house spacing distances between properties hereby proposed would meet the requirements of the guidance detailed above. Furthermore, each property would be provided with a garden 10m in length and each property's private rear amenity space would exceed the guidance set out in the SYRDG.

The main consideration is the impact of the proposed dwellings on the amenity of neighbouring residents. It is noted that the majority of existing properties which surround the site are bungalows, and the dwellings hereby proposed would all be two-storey. Accordingly, there is potential for the new dwellings to result in overlooking, overshadowing, a loss of privacy and appear oppressive.

The scheme has been designed to take into account the character of its immediate surroundings, insofar as the dwellings hereby proposed have been sited a suitable distance from both rear gardens and rear elevations of surrounding properties. There will be a minimum of 10m to rear gardens from rear habitable room windows and a minimum of 21m between rear elevations. Furthermore, cross-sectional plans have been provided that show that none of the proposed properties would impinge on a 25 degree horizontal sight line from existing properties habitable room windows. Therefore, given the distance between properties, the sight lines, land levels and orientation, it is judged that on balance, the proposed development would not result in detrimental levels of overlooking or overshadowing, and they would not appear over dominant or oppressive.

It is of note that there is a bungalow sited close to the southern boundary of the site (no.94 Oak Road) and whose side elevation is almost upto the southern boundary of the site. The bungalow, which is located on what was previously the rear garden of 11a and 15 Elm Way was approved in 1969 and overtime it appears to have been modified. One such modification is the addition into the northern roofslope of a dormer window which is in close proximity to the application site and what will be the garden of Plot 1.

It is noted that there will be some overlooking and loss of privacy to the future residents of Plot 1, but on balance it is considered that in this instance, due to the size of the dormer, it being a secondary window, together with the fact that the future occupants will buy as seen, it would be acceptable.

The property at Plot 1 has been orientated with its front elevation facing Oak Road, although there will be bedroom windows in the side elevation at first floor facing no. 94 Oak Road. This side elevation would be more than 21m from the dormer window in the roofslope of 94 Oak Road, which is in line with the inter-house spacing standards of the South Yorkshire Residential Design Guide and thus is considered to be appropriate and would give rise to direct overlooking or a loss of privacy to the owners of 94 Oak Road.

A cross-section plan has also been provided that shows a 25 degree vertical sight line from the dormer at 94 Oak Road clearing the ridge height of Plot 1, as such the impact in terms of overbearing / oppressiveness will also be

minimal. Furthermore, by 94 Oak Road being to the south of Plot 1, there will be minimal impact in terms of overshadowing or loss of direct sunlight.

With the above in mind and having regard to the objections raised, it is considered that on balance, the proposed development adequately addresses how the development does not affect the amenity of existing residents, as well as how the future residents of the development will also be provided with sufficient amenity. The proposal is therefore considered acceptable and in accordance with the guidance contained within the SYRDG and adopted Local Plan policy SP55 'Design Principles'.

Land Contamination, Soil Strategy and Minerals

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

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

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

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

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

Historical maps show the site has been formerly used as a training centre/school with car parking in the east and former garden/playing field/public open space in the west. Whilst significant contamination of the site was not anticipated, some contamination was thought possible within the footprints of former buildings/hardstand including metals, metalloids and asbestos. It was also considered likely that some contamination may have resulted from leakages/spills associated with the former garages and heaters/boilers.

Based on the above reasons intrusive site investigation works were undertaken in January 2023. These works comprised the excavation of 20 trial pits. Samples of topsoil, made ground and natural ground were collected from across the site to assess for site wide contamination and submitted to an accredited laboratory for chemical testing.

The findings of the investigation revealed that made ground is present in the centre and east of the site, predominantly comprising reworked natural ground between 0.2m and 2.0m depth (average 1.0m). Locally, obstructions including concrete, redundant drainage and sandstone boulders were present.

Chemical analysis of the 20no. soil samples obtained from the site revealed that contamination levels were generally found to be below national governmental guidelines for a residential end use with plant uptake. No significant inorganic or organic or asbestos contamination has been encountered, although the made ground contains materials including brick, concrete, ceramic, coal etc. that are considered unsuitable for gardens and landscaped areas. Therefore, where residual made ground remains beneath garden and landscaped areas (i.e. not beneath hardstanding) a 450mm thick surface cover of "clean" soil has been recommended.

Testing of topsoil samples obtained from the west of the site has confirmed the soils are acceptable to remain on site and are suitable for re-use.

There are no known or suspected areas of landfilling within 250m, and the site is not in area considered susceptible to mines gas, nor is it underlain by shallow mine workings. As such, no gas monitoring was undertaken. It is considered that no special precautions against methane / carbon dioxide gas are required.

In conclusion it is considered there is very low risk to the future users of the site from potential site contamination. However, remedial measures are required to ensure unsuitable materials are removed from beneath garden/landscaped areas and the site is made suitable for its proposed residential end use.

In respect of Soils, policy SP36 'Soil Resources' 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."*

Topsoil at this site is suitable for re-use and should be carefully stripped, stockpiled and managed during development. Topsoil can then be reused in gardens and areas of POS to isolate undesirable made ground from surface with material which provides a 'good' and permeable growing medium.

The balance of soils to be imported / removed from site will depend on the final levels. At present we do not consider that there will be a need to import / export significant volumes of material to / from site. Minimising soil transport is a point of sustainability and good practice.

Sustainable drainage is part of the drainage designs submitted. The development also includes an area of POS therefore providing green space which will become available for public use, and which will provide an area of 'natural' infiltration and retention of rainwaters.

The site is a brownfield existing site therefore does not include BMV land. An assessment is not therefore required to support this application. The proposed development therefore accords with and takes account of Policy SP36 and can look to be supported.

With regard to Minerals policy CS26 'Minerals' states: *"Proposals for non-mineral development within the Mineral Safeguarding Areas (except for householder development and conversions / changes of use which do not involve any new building or excavation works) 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.”*

Mineral Safeguarding Areas are put in place to protect reserves of minerals / aggregates which we might rely on in the future.

The ground conditions on site comprise Sandstone with Coal at c. 30m depth. Quarrying for sandstone is unlikely to be economically viable, as this is not an especially in demand material unless of a quality & properties which you do not have here, further the sites small size would mean that by the time you “got started” the area would be exhausted.

The impact of setting up a quarry at this site would have significant negative impacts on the surrounding homes (plant & highwalls would back straight up against garden fences), amenity (noise & excessive dust production) and highways (local roads are unlikely to support a steady stream of lorries carrying sandstone). The cost and timescale impact may also be prohibitive to the future development stacking up financially.

Quarrying for coal is unlikely to be effective as the seam is too deep to be ‘opencast’ given the sites small size.

Underground workings are no longer going ahead in this area but if they were, would negatively affect surrounding properties which are already in place by introducing the risk of subsidence. Further as coal is no longer burned as much in the UK the profitability of coal extraction is insufficient to make mining worthwhile.

Given the presence of large open fields to the east of the site there is no sterilisation of large reserves of the Sandstone of Coal and future extraction could, if required, take place across undeveloped land elsewhere in the immediate area.

Consequently, 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. Therefore, the development demonstrates compliance with criteria c. of Policy CS26.

Impact on Education / GPs

With regard to the impact on schools, the Education Service have noted that an education contribution would be required towards Secondary Education within the local area. The financial contribution would be secured via a s106 legal agreement, and the figure would be in line with the Council's adopted formulae within the Education Policy. The figure would be £56,091.

With regard to impact on GP services, the NHS Clinical Commissioning Group (CCG) have stated that it is a small development that would be unlikely to have any impact on primary care provision in Wath.

It is therefore considered that in terms of impact on infrastructure there are mechanisms and processes in place to ensure any impact is minimal and can be suitably mitigated.

Issues raised by objectors

The issues raised by objectors, such as increased traffic, impact from the construction phase, overdevelopment, being out of keeping with the surrounding area, impact on amenity, impact on ecology and loss of trees, have all been considered in the assessment of this application. However, notwithstanding the comments received, the prevailing sections of the report have set out how on balance, the proposal would satisfy the requirements and provisions set out in the relevant adopted national and local planning policies and guidance and a refusal could not be justified in this instance.

Planning Obligations

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

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

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

All of the tests must be complied with and the planning application must be reasonable in all other respects. This is echoed in Paragraph 57 of the NPPF.

In respect of obligations, as set out in previous sections of the report £14,500 is to be secured via a s106 for payment towards sustainable transport promotion in the Borough and a further sum of £56,091 towards Secondary in the local area.

Furthermore, as required by policy CS7 'Housing Mix and Affordability' there is a requirement to provide 25% of the total number of dwellings as affordable homes unless it can be demonstrated that the site is not financially viable. The scheme is to provide 7 affordable units on site, with the tenure split being agreed within the legal agreement.

Other considerations

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

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

Conclusion

Having regard to the above it is considered that the applicant has provided sufficient evidence to justify the loss of the previous community facility and to justify that the site is no longer needed for a community use in line with the adopted Local Plan policy SP62 'Safeguarding Community Facilities' and the adopted SPD 'Community Facilities' such that residential can be considered an acceptable form of development on this site.

The proposals put forward are considered to represent an efficient use of land which provides a suitable scheme in line with adopted Local Plan policies, SPDs and Design Guides, as well as National Planning Policies and Guidance. The design of the development ensures there is sufficient space between existing and proposed properties, sufficient in-curtilage parking spaces and each property is provided with a sufficient amount of private amenity space. Furthermore, the development would result in an increased level of landscaping and tree planting which will provide an attractive development with habitats for various types of wildlife. The development would not give rise to highway issues and matters relating to amenity can be safeguarded by suitable worded conditions.

Therefore, it is concluded that the proposal, subject to conditions, would be in compliance with the requirements of the relevant national and local planning policies, which outweighs the issues raised by local residents and thus the application is recommended for approval.

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 **11, 14 and 24** of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers **11, 14 and 24** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

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

1674-100 – Location Plan

1674-101 Rev O – Site Layout Plan

1674-102 Rev G – Site Sections

1674-103 Rev A – House Types

1674-104 Rev C – House Types

1674-105 Rev B – House Types

1674-106 Rev I – Boundary Treatment Plan

1674-108 Rev H – EV Charging Points Plan

1674-110 Rev G – Block Plan

DR-6442-01 Rev D – Landscape Concept Details

2110-07-SK01 Rev B – Drainage Strategy and Finished Floor Levels

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form and as shown on drawing no 1674-107 Rev H. 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.

Construction Management Plan

04

The development shall be carried out in accordance with the details and recommendations set out in the Construction Management Plan Rev A and as shown on drawing 1674-112 Rev H. The approved measures shall be implemented throughout the construction period.

Reason

To safeguard the amenities of the occupiers of nearby properties and promote sustainable development.

Air Quality and Emissions

05

The electric vehicle charging points as shown on plan 1674-108 Rev H 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.

Highways

06

Prior to the new access being brought into use, details of the 2no existing vehicle accesses to the site (on Oaks Road) that will require reinstating to a full height kerb with appropriate footway works, and the widening of the existing footway to 2m along the site frontage, shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the first dwelling. (This will require the developer to enter into a S278 agreement with the Council, the applicant should contact david.phillips@rotherham.gov.uk in this regard)

Reason

In the interests of road safety.

07

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

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

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

Reason

To ensure that surface water can adequately be drained, 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.

08

No construction works shall commence on the access and / or internal access road, road sections, constructional and drainage until the details of the access and / or internal access road, road sections, constructional and drainage have been submitted to and approved by the Local Planning Authority. The constructions works shall be carried out in accordance with the approved details.

Reason

No details having been submitted they are reserved for approval.

Landscapes and Trees

09

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

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- 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, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

Reason

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

10

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

Reason

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

11

No operations (including initial site clearance) shall commence on site in connection with the development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees 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:

- A schedule of tree works for all the retained trees and hedges specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
- Timing and phasing of works
- Site specific demolition and hard surface removal specifications
- Site specific construction specifications (e.g. in connection with 'no-dig' construction around T9 & T10).
- Access arrangements and car parking

- Level changes
- 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.

*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.

Ecology

12

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to 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.

13

Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog homes and holes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented prior to the first dwelling being occupied and thereafter retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure;
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- iv. When the features or measures will be installed within the construction, occupation, or phase of the development.

Reason

In the interests of biodiversity enhancement.

14

Notwithstanding the submitted details, before any works commence a biodiversity management and monitoring plan, which outlines how the project will be monitored in respect of biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- A detailed adaptive management plan that sets out how habitats will be created or enhanced and describing the proposed ongoing management for a minimum of 30 years.
- A detailed monitoring plan that will be used to inform ongoing management and assess the progress towards achieving target condition. This should outline surveys that will be used to inform the condition monitoring reports.
- The roles, professional competencies and responsibilities of the people involved in implementing and monitoring the biodiversity net gain delivery.
- Evidence that the necessary resources are available to deliver the proposed biodiversity net gain plan and the ongoing management.

The approved details thereafter shall be implemented prior to the first dwelling being occupied and thereafter retained and maintained for their designed purpose in accordance with the approved scheme.

Reason

In the interests of biodiversity enhancement.

Drainage

15

No construction works on the dwellings or roads hereby approved shall begin until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out in accordance with the approved details and shall be carried out concurrently with the development. No Occupation shall take place until it has been demonstrated that the drainage system is operating in accordance with the approved details and to the Local Planning Authority's satisfaction.

Reason

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin.

16

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems shall extend to the points of discharge to be agreed in writing with the Local Planning Authority.

Reason

In the interest of satisfactory and sustainable drainage.

17

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:

- i. evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii. the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal.

Land Contamination

18

Prior to any remediation works commencing on site a Remediation Method Statement shall be provided and approved by this Local Authority. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

To ensure the safe occupation of the site.

19

If 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 the safe occupation of the site.

20

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

Reason

To ensure the safe occupation of the site.

21

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

Reason

To ensure the safe occupation of the site.

Waste Management Plan

22

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:

- information on the amount and type of waste that will be generated from the site;
- 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);
- 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);
- 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;
- measures to minimise the use of raw materials and minimise pollution of any waste;

- details on how residual waste will be disposed in an environmentally responsible manner and transported during the construction process and beyond;
- 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
- 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

23

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.

Local Labour Agreement

24

Prior to the commencement of construction works above ground level, a Local Labour Agreement relating to the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The scope of the Agreement shall be agreed in writing prior to submission of the formal document. The development shall thereafter be carried out in accordance with the approved Agreement.

Reason

To improve skills in all of Rotherham's communities through the promotion of access to training, education and local employment opportunities.

Informative(s)

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.

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 development should look to achieve Secured by Design accreditation. More information can be found at: www.securedbydesign.co.uk

05

The Developer should be aware that a Sustainable Drainage System (SuDS) is the LPA's preferred option. Please contact the Council's Drainage Section on LLFA@rotherham.gov.uk to discuss further if SuDS are not be used.

06

To discharge (drainage details), the applicant is advised that they would be expected to submit information including but not limited to the following:

1. Flood resilience should be duly considered in the design of the new building/s or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

2. A Flood Risk Assessment (FRA) should be provided for the proposed development site, in accordance with the NPPF. Where the site is at risk of flooding (Fluvial and Pluvial), details of place of refuge/evacuation should be considered and sign up to the Environment Agency Flood Warning Service.

3. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients and flow directions.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

4. Surface Water Discharge from Greenfield Site:

The total surface water discharge from greenfield sites should be limited to green field run-off rates - up to 1 in 100 years storm + climate change. On site surface water attenuation will be required. If the greenfield run-off for a site is calculated at less than 2 l/s/ha then a minimum of 2 l/s can be used (subject to approval from the LPA).

5. On Site Surface Water Management:

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land. The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc. to demonstrate how the 100 year + 40% CC rainfall volumes will be controlled and accommodated.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway. Guidance on flood pathways can be found in BS EN 752.

6. Written evidence is required from the LLFA / sewerage undertaker to confirm any adoption agreements and discharge rates.

7. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable)

8. Any SuDS/Drainage system installed must not be at the detriment to the receiving watercourse or ground (infiltration), so managing the quality of the run-off to must be incorporated into any design in accordance with CIRIA 753 The SuDS Manual The design of flow control devices should, wherever practicable, include the following features:

- a) Flow controls may be static (such as vortex flow controls or fixed orifice plates) or variable (such as pistons or slide valves);
- b) Controls should have a minimum opening size of 100 mm chamber, or equivalent;
- c) A bypass should be included with a surface operated penstock or valve; and
- d) Access should be provided to the upstream and downstream sections of a flow control device to allow maintenance.

9. For major developments, the LPA is required to ensure there are suitable ongoing maintenance arrangements over the lifetime of the development (see NPPF paragraph 169, page 48). Options for SuDS adoption and maintenance include:

- a) Adoption by Water and Sewerage Company (WSC) - The developer may enter into a section 104 agreement (Water Industry Act 1991) with the local WSC.
- b) Private Maintenance Arrangement. Provide all drainage management and maintenance plans for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime (e.g. signed Section 104 agreement).

10. Whereby a private maintenance arrangement is proposed and the development is unlikely to remain under single ownership or within a single curtilage over its lifetime a condition will require a satisfactory legal agreement to be drawn up to provide for inspection and maintenance of the proposed surface water drainage scheme. This legal agreement is required BEFORE the first occupation of any dwelling or building on the site. Over the lifetime of the development an agreement must include the following:

- a) A detailed operational maintenance plan;
- b) Physical access arrangements for maintenance, and establishment of legal rights of access in perpetuity, prior to the commencement of any phase of the development;
- c) A financial revenue plan clearly setting out how funding for maintenance is to be raised over the lifetime of the development;
- d) A whole life cost analysis for capital maintenance over the lifetime of the development. Any values should be based on the current HM Treasury Present Value (PV) Discount Rate.

Assumptions about the expected useful life of materials should be included in any such analysis; and

- e) Details of financial surety to ensure long-term maintenance and capital maintenance costs of apparatus. It is for the developer to demonstrate that a suitable financial underwriting arrangement is in place.

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.