

## PLANNING REGULATORY BOARD

**Date:- Thursday 13 October 2022**      **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 22nd September, 2022 (Pages 6 - 8)
6. Deferments/Site Visits (information attached) (Pages 9 - 10)
7. Development Proposals (Pages 11 - 82)
8. Updates
9. Date of next meeting - Thursday, 3rd November, 2022 at 9.00 a.m. at the Town Hall

### Membership of the Planning Board 2022/23

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

# 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.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**PLANNING BOARD**

**MEMBERS' DECLARATION OF INTEREST**

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

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

**1. Disclosable Pecuniary**

☐

**2. Personal**

☐

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

*(Please continue overleaf if necessary)*

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

Signed:- .....

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

**PLANNING BOARD**  
**22nd September, 2022**

Present:- Councillor Atkin (in the Chair); Councillors Andrews, Bacon, 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>

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

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

**122. MATTERS OF URGENCY**

There were no matters of urgency for consideration.

**123. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**124. MINUTES OF THE PREVIOUS MEETING HELD ON 11TH AUGUST, 2022**

**Resolved:-** That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 11<sup>th</sup> August, 2022, be approved as a correct record of the meeting.

**125. DEFERMENTS/SITE VISITS**

There were no site visits or deferments recommended.

**126. 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, a number of people attended the meeting and spoke about the applications below:-

- Subdivision and change of use of building into a coffee shop (Use Class E) and hot food takeaway (Use Class Sui Generis), demolition of front extension and installation of new shop fronts with ramped access and external seating area to Bawtry Road at 186 Bawtry Road Wickersley (RB2021/2130)

Councillor S. Ellis (Objector – on behalf of Wickersley Parish Council)

A statements was also read out on behalf of Mr. and Mrs. Haworth (Objectors).

- Display of illuminated signs and non illuminated signs and 1 No. 6m high illuminated Totem sign at 186 Bawtry Road Wickersley Rotherham (RB2021/2131)

Councillor S. Ellis (Objector – on behalf of Wickersley Parish Council)

A statements was also read out on behalf of Mr. and Mrs. Haworth (Objectors).

- Demolition of balcony and porch structures and conversion and extension of detached dwelling to form two dwellings, including partial raising of roof height and alteration to elevations to include new window detailing, front porches and eaves dormers, at 3 The Close, Dinnington (RB2022/0201)

Mr. A. Dodwell (Applicant)

Mr. J. Kelwick (Objector)

Ms. J. Warnes (Objector)

- Erection of a convenience store (Use Class E) adjacent to the existing public house (Sui Generis), utilising the existing access, with associated parking and landscaping, and reconfiguration of the public house car park, including additional parking area, The Squirrel 194 Laughton Road, Dinnington (RB2022/0777)

Mr. J. Russell (Applicant)

Parish Councillor D. Smith (Objector)

(2) That, application RB2021/2130 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and also subject to an amendment to the hours in Condition 3 and along with an extra condition (Condition 14) to ensure that the front railings were provided. The conditions now read:-

03

The use hereby permitted shall only be open to customers or for deliveries between the hours of 0800 - 2300.

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

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Within 1 month of the date of this decision, details of the railings around the external seating area on the Bawtry Road frontage shall be submitted to the Local Planning Authority and the details shall be implemented within 1 month of their approval.

Reason - In the interests of visual amenity and to prevent unauthorised motorised access to the front of the building.

(3) That with regards to application RB2021/2131:-

(a) the illuminated and non-illuminated signage on the building be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(b) the proposed totem sign be refused for the reason adopted by Members at the meeting and listed in the submitted report.

(4) That, application RB2022/0201 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report.

(5) That, application RB2022/0777 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and also subject to an amendment to the hours in Condition 10 and re-wording of Condition 13 to now read:-

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The use hereby permitted shall only be open for deliveries and dispatches by Heavy Goods Vehicle's (HGV's) between the hours of 07:00 to 21:00 hrs Monday to Sunday, and all other deliveries shall only take place between the hours of 06:00 to 21:00 hrs Monday to Sunday.

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The additional security measures to protect the Public House as set out in the submitted Statement on the Future Viability of the Squirrel Public House, shall be retained until the building is brought back into use.

**127. UPDATES**

There were no updates to report.

**128. DATE OF NEXT MEETING**

**Resolved:-** That the next meeting of the Planning Board take place on Thursday, 13<sup>th</sup> October, 2022 at 9.00 a.m. at Rotherham Town Hall.

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

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



## **SITE VISITS**

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

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THE 13<sup>th</sup> October 2022**

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

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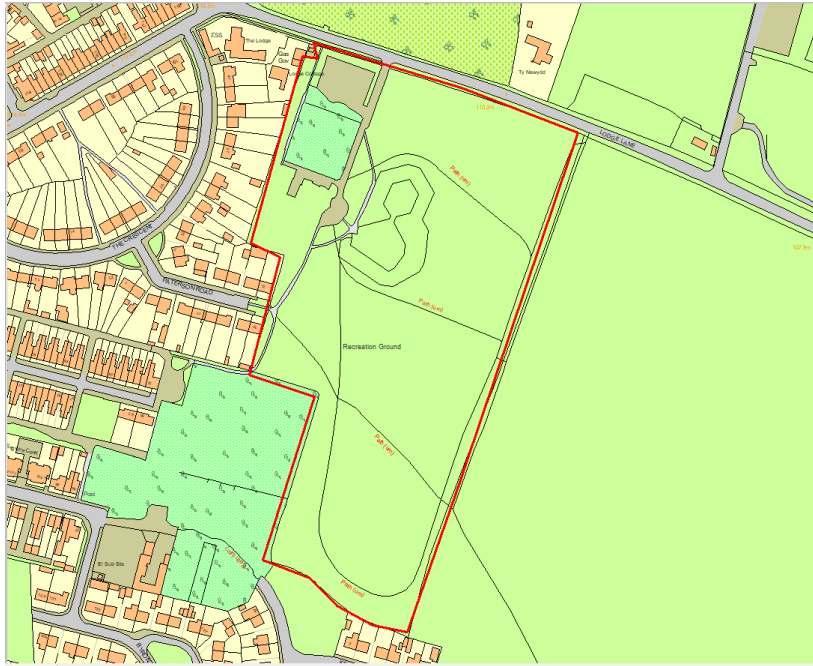
<b>RB2020/2048 Erection of 151 No. dwellinghouses and associated infrastructure at land South of Lodge Lane Dinnington for Barratt and David Wilson Homes Yorkshire West</b>	<b>Page 11</b>
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**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE 13<sup>th</sup> October 2022**

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

<b>Application Number</b>	<b>RB2020/2048</b>
<b>Proposal and Location</b>	Erection of 152 no. dwellinghouses and associated infrastructure at land South of Lodge Lane, Dinnington
<b>Recommendation</b>	<p>A. That the Council enter into a legal agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> <li>• 30 Affordable Housing Units on site (20% of total)</li> <li>• A commuted sum of £313,242.50 towards SEND (Special Educational Needs and Disability) / SEMH (Social, Emotional and Mental Health) provision in Dinnington.</li> <li>• A commuted sum of £76,000 towards sustainable travel encouragement.</li> <li>• A commuted sum of £30,000 towards a Rotherham wide Playing Pitch Strategy</li> <li>• A commuted sum of £663,000 towards improvements to sport facilities for the local community in the Dinnington area, at Dinnington High School and / or Dinnington Rugby Club and / or in accordance with the outcomes of a Planning Pitch Strategy.</li> <li>• Establishment of a Management Company to manage and maintain the areas of Greenspace on site.</li> </ul> <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report and the decision of the Planning Casework Unit.</p>

*This application is being presented to Planning Board as it is a 'Major' application.*



### Site Description & Location

The application site is approximately 4.8 hectares in area the site is currently unmanaged grassland with a disused multi-use hardcourt and overgrown abandoned mini-golf course. The site was previously used as a sports ground but has not been used for approximately 10 years, and the previous buildings have been demolished.

To the eastern edge is open grassland with a collection of farm buildings and residential properties accessed off Lodge Lane.

In the northern half of the site the western boundary backs onto existing residential developments on The Crescent and Paterson Road. In the southern half of the site the western boundary faces onto small areas of grass land.

On the southernmost boundary are existing dwellings on Keats Drive backing onto the site and the southern boundary of the site is aligned with existing trees and hedgerows.

On the other side of Lodge Lane is Dinnington Rugby Club.

There is land to the south and south-west, outside of the applicant's control, that together with the application site form Housing Allocation site H80 in the Council's adopted Local Plan. The whole of H80 has a total area of 6.35 hectares.

### Background

There have been a couple of previous planning applications submitted relating to this site the most recent of which is:

RB2014/1303 – Application to determine whether prior approval is required for the method of demolition and restoration of the site re: demolition of former miners welfare club – Granted – 18/11/2014

### EIA Screening Opinion

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

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

### CIL

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

### **Proposal**

The application is for the provision of 152 dwellings with associated infrastructure, which is one more than originally applied for.

The proposal would also provide public open space areas, the main area being sited in the south-east corner of the site; a landscape buffer to the east, including a footpath, benches and trim trail play equipment; a Local Equipped Area of Play (LEAP) on site and links to the remaining housing allocation and the wider estate to the south and west. There will be a single main point of access to the site from Lodge Lane, with several access points to private driveways to service the properties fronting Lodge Lane.

The dwellings on site will be two-storey in form and will be a mixture of semi-detached, detached, terraced and quad style dwellings, in a mix of two, three and four bedrooms.

The housing mix will be as follows:

Open Market

11 x 2 bed  
53 x 3 bed  
58 x 4 bed

## Affordable Housing

3 x 2 bed  
27 x 3 bed

Each property will be provided with a rear garden area and in-curtilage parking either by way of surface parking spaces or garaging. There is to be tree planting both in front and rear gardens as well as within the areas of public open space and landscape buffer areas.

A pumping station is proposed to the north of the main area of public space. The majority of the works would be below ground and the elements above the ground will be behind the enclosure. Also, within the main area of public open space a LEAP is to be provided which will include the following equipment: a large climbing structure with slide and balance beams; a spinner; a standing seesaw; a spring balance platform and a swing. Further play equipment in the form of a trim trail is proposed to the eastern boundary of the site, this will include a crunch bench; pull up station; climbing station and low level dip station. All the equipment provided apart from the springer would be constructed from timber with metal elements.

A footpath link is proposed to join the existing footpath to the site from Paterson Road to the west and a potential footpath link is proposed to the southern boundary to link up with High Nook Road / Keats Drive. Potential vehicular accesses are also shown to the remainder of the housing allocation to the southwest of the site.

The dwellings are to be constructed in a mix of red multi brick or buff multi brick with either a grey or red tile roof covering.

The boundary treatments will consist of a mixture of:

- 1.8m high brick piers with fence panels between;
- 1.8m high close boarded timber;
- 1.8m high close boarded timber privacy panel with 1.2m close boarded timber fence;
- 900mm bow top railing;
- 600mm post and rail; and
- 2.1m high timber fence

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

Design and Access Statement

The Statement provides details of the site, the local character, planning context, the concept design process, site layout, and details of the proposals. It also includes a Building for Life assessment.

#### Masterplan

A Masterplan document was submitted which provided details of how the remainder of the housing allocation to the south-west corner of the application site could be accessed and developed to ensure the land did not become landlocked by this development.

#### Financial Viability Appraisal

The appraisal provides details of the proposals, the residential market at the time of writing and values of the site and the proposals.

It concludes that the scheme is unviable to deliver full planning gain requirements and meet the Benchmark Land Value threshold.

#### Landscape Statement

This document is a visual survey to identify the local landform, extent and type of vegetation in the vicinity of the site and assess any impacts on key views that would arise as a result of the development. As a result of the survey a landscape strategy has been devised to minimise any adverse impacts thus identified.

The statement provides details of the existing situation, including details of the site, its surroundings and level of existing vegetation. It also provides an overview of the various views and what impact the development would have. It provides an overview of the landscape strategy which have influenced the landscape masterplan drawing.

It concludes that the new proposals would provide a satisfactory edge to Dinnington village and reduce any perceived adverse visual impact that might occur on completion to an acceptable level. This would also screen existing dwellings and, over time, result in an overall beneficial impact compared with the existing situation. The proposed paved footpaths along the northern and eastern site boundaries will provide a valuable new public amenity for existing and new residents. This will link to the existing informal footpath that runs east-west across the site from Paterson Road. Overall the landscape proposals will enhance both the visual appearance and wildlife potential of this site. In addition, the open spaces thus created will provide an attractive and sheltered environment for users of the site.

#### Arboricultural Impact Assessment

The report notes that tree removals to facilitate the development include 11 individual category B trees and 2 category B groups, resulting in 20 category

B trees being removed. In addition, 6 category C trees are to be removed to facilitate the development and 2 trees removed for arboricultural reasons.

In addition to the removal of some trees, other tree work in respect of crown reduction will be needed on retained trees.

The assessment also notes that before works commence those trees that are to be retained should have the tree works carried out and then a protective fence erected around them in line with British Standards BS5837:2012.

To offset the tree removals a replacement planting scheme should be submitted.

### Tree Survey

The Survey notes that the majority of trees surveyed lie along or beyond the site perimeter. The principal tree species on or adjacent to the site are Ash and Alder. The Ash can be found as an informal line along the northern boundary, within gardens to the west and as a line of self-sown specimens within an overgrown hedge that runs along the eastern boundary. The Alder are found as a formal line along the southern and western boundaries. Other tree species present are Sycamore, Wild Cherry, Bird Cherry, Field Maple, Elm, Oak and Rowan (along the site boundaries), shrub species (mostly Blackthorn and Hawthorn) are found within untrimmed hedges along the eastern and western boundaries.

The majority of trees surveyed fall within the 'Early mature' and 'Mature' categories and all but one is in Fair or Good condition with no action required at the present time.

### Arboricultural Method Statement

The document seeks to describe the site and its tree cover, list those trees which are proposed for removal due to the development, those which need to be removed for technical reasons and those which are to remain.

It describes the proposals for ensuring that the trees that are to remain would survive the development and thrive after the development.

The development and timing of construction operations are described, together with materials which would be used in order to maximise tree protection.

The document also includes a section of useful telephone numbers and addresses.

This Statement will be included as part of the specification and schedule of works issued to the building contractor and will form part of the contract. The Statement will be available on site for inspection.



### Landscape Management Specification

The purpose of this report is to set out clearly the basic management/maintenance techniques appropriate to this site up to Year 5 in detail and basic recommendations beyond Year 5.

### Equality and Healthy Communities Checklist

The checklist appended to the relevant SPD has been submitted as part of the application.

### Biodiversity Survey and report

The report provides a detailed overview of the site and what species were found on site and how to help mitigate any impacts and provide some biodiversity enhancement to the site and wider area.

It concludes that the potential ecological impacts will be appropriately and proportionately mitigated for providing that the recommended mitigation and compensation measures detailed in this report and those which are subsequently recommended within species specific assessments are subsequently reflected within the development proposals.

### Bat Report

The site was assessed to offer suitable roosting, foraging and commuting habitat for bats. Bat activity surveys and an inspection of trees on Site for roosting bats were undertaken at the Site. Foraging and commuting bat activity was considered to be very low during each transect survey with common pipistrelle *Pipistrellus pipistrellus* and noctule *Nyctalus noctula* bats being the most frequently recorded species. Species diversity was low with up to three species recorded during the surveys.

Inclusion of bat boxes within the development will provide compensation for the loss of Potential Roosting Features (PRFs) and also provide a positive enhancement for nature conservation.

A bat sensitive lighting scheme should be implemented at the Site.

### Preliminary Ecological Appraisal (June 2022)

The PEA notes that existing grassland, scrub, short perennial vegetation and a number of trees at the Site will be lost to facilitate the construction of new dwellings within the footprint, whilst some boundary trees and hedgerows to the south and east will be retained.

The scattered trees and Hedgerow 2 on Site are considered to be of local importance and the fruit trees are considered to be an orchard, listed on the Rotherham LBAP. All other habitats are considered to be of no more than site level importance. It is recommended that the scattered trees, including mature

fruit trees, and Hedgerow 2 be retained or where this is not possible replacement planting of an equivalent number (as a minimum) of trees/length of hedgerow should take place at the Site.

Hedgerow 1 is ornamental and does not qualify as priority habitat. Hedgerow 2 is species-rich and comprises over 80% native species and so qualifies as priority habitat nationally and locally. Where practicable hedgerows at the Site should be retained. However, under the current proposals Hedgerow 1 and sections of Hedgerow 2 are due to be lost with only the hedgerow trees to be retained. Retained trees should be adequately protected throughout the development.

It is recommended that a biodiversity net gain assessment be undertaken to determine whether the proposals deliver a net gain in biodiversity at the Site or whether off-site habitat creation and/or financial contributions are required.

The development should incorporate an ecologically sensitive planting plan to ensure areas of public open space and other landscaped areas comprise native plant species which are of value to invertebrates, amphibians and small mammals.

The Site offers suitable habitat for a variety of invertebrates. Given that much of the habitats will be lost as part of the proposals, it is recommended that landscaping proposals incorporate native flowering species within areas of wildflower grassland, hedgerows, tree planting and ornamental planting.

Himalayan balsam and cotoneaster were found at the Site. Both of these species are listed in Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). Himalayan balsam should be eradicated. Cotoneaster sp. should be removed using hand tools and the entire plant should be removed and bagged separately to other vegetation. This should then be transported to a suitable green waste facility which is made aware of the contents.

### Ecological Impact Assessment

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

It also sets out the various enhancement measures that will be implemented at the site. This includes:

- 48 bat boxes comprising 38 Habitat 3S building integrated bat boxes (or equivalent) and ten tree mounted Schwegler 2F bat boxes (or equivalent) will be installed at the Site, the total of which will provide bat roosting provision on 30% of properties at the Site. The bat boxes will be placed at a minimum height of 4 m in a number of locations

facing different aspects to maximise the chances of occupation. Northern aspects will be avoided.

- 48 bird boxes will be installed in order to provide bird nesting provision on 30% of properties at the Site. The bird boxes will be placed at a minimum height of 3 m in a number of locations facing different aspects to maximise the chances of occupation. Full south aspects which receive sun all day during the summer months present a risk of overheating and should therefore be avoided.

#### Transport Assessment (amended June 2022)

The amended TA provides an update to the original TA submitted with this application following correspondence with RMBC, the layout has been updated to improve a number of elements within the proposals. To ensure completeness of the TA, new turning count surveys have been undertaken at the junctions for assessment.

The assessment concludes that the development proposals based on 152 private dwellings are forecast to generate some 80 and 77 two-way vehicle trips during the AM and PM peak hours respectively. The impact of the development-generated traffic on the surrounding area has been shown to be of a negligible impact on queuing and delay and it is therefore concluded that the development proposals could be accommodated without resulting in a significant detrimental impact upon the network. This is in line with the severe impact test within NPPF.

#### Travel Plan

The Travel Plan strategy set out within this report details the specific delivery mechanisms that Barratt Homes intends to implement at the site, along with the specific tools that will be utilised by the Travel Plan Coordinator.

#### Flood Risk Assessment

The FRA notes that the site falls within Flood Zone 1 and the Sequential Test is satisfied. However, in order to accommodate the possibilities of flood from a catastrophic storm or blockage of the proposed drainage system; a list of precautionary flood mitigation measures are recommended, including finished floor levels, electricity supplies and sockets, what should be considered in the new drawing system to account for climate change:

#### Statement of Community Involvement

The document details how the developer carried out public consultation by using a website and information leaflet sent to over 700 local properties with a FREEPOST feedback form. Local Councillors and the Town Council were informed of the proposals and a media release was issued.

To date 25 people provided feedback from the above exercise.

Through the consultation various themes of feedback was identified. These were:

- The need for new homes – especially affordable ones
- Questions on traffic impact
- Social infrastructure around the site
- General questions around the full allocation

#### Archaeology Written Scheme of Investigation

This document sets out the details for the archaeological work required on land at Lodge Lane, Dinnington, Rotherham, South Yorkshire in order to inform South Yorkshire Archaeology Service of the archaeological potential of the site and to mitigate the impact of the residential development.

It provides an archaeological and historical background to the site and sets out that a trial trenching exercise is required to be carried out on site and how this will be done, recorded, assessed and reported.

#### Trial Trench Report

This report notes that the trial trenching was carried out in January 2022 to assess the potential of archaeological remains and to South Yorkshire Archaeology Service to make a reasoned decision regarding further mitigation that may be required prior to development commencing. The evaluation consisted of 10 trenches followed by a Geophysical Survey and revealed no significant archaeological finds, features or deposits.

#### Geoenvironmental Statement

The intrusive investigation identified the majority of the site to be underlain by topsoil / reworked topsoil. This in turn is underlain by stiff glacial clay to depths of between 0.25m and 1.80m bgl within the northern part and southern half of the site.

Limestone bedrock was encountered underlying the topsoil and glacial till (where encountered). A weathering profile, although variable, was noted to the bedrock with an upper layer or residual soil described as sandy gravel and cobbles, grading into extremely weak to weak limestone. Locally made ground, between 0.05m and 0.60m thick, was noted within the footprints of the former buildings and recreation grounds within the northern and north western parts of the site, and locally within the southern part. No groundwater was observed during the fieldworks.

It further noted that elevated concentrations of arsenic were identified within the made ground within the north and north western parts of the site. However, should the material be isolated under areas of proposed hardstanding (whether it be buildings or car parking/roadways) no further remedial action is considered necessary.

In addition, the majority of the reworked topsoil and natural topsoil encountered on site should be suitable for re-use within landscaped areas/gardens, subject to regulatory approval and any site-won topsoil should be stockpiled, sorted (given the local presence of anthropogenic material including glass and brick), further tested and assessed, as part of the enabling works, before being approved for reuse.

No significantly elevated contamination has been identified that presents a potential risk to controlled water receptors. It is possible that areas of more significant contamination, not identified to date, may be encountered on site during excavation and construction works. If any areas of noxious, odorous, brightly coloured, fibrous, liquid or other potential contamination are encountered, then further advice should be sought from a suitably qualified consultant.

It provides details on the foundations and floor slabs that would be suitable; soakaways may be feasible, and the associated risk of ground gas was very low.

#### Open Space Assessment

This report considers the amount, quality and accessibility of Open Space in Dinnington. It has been prepared to address the requirements of Allocation H80, a housing allocation in the Adopted Sites and Policies Plan (June 2018).

It sets out the policy requirements of SP37 'New and Improvements to Existing Green Space'; SP38 'Protecting Green Space' and SP64 'Access to Community Facilities' and seeks to address the policy requirements.

It provides details of site history; sets a catchment area; details the current open space provision, its quality and accessibility; looks at whether the current supply is adequate for the community needs; details comments from various Sporting Bodies and the effects on the application proposal.

It concludes that the proposed development meets the objectives of the adopted policies, and therefore the "loss" of the open space on this site should not be a barrier to forming a positive planning judgment on this application. Furthermore, the site is allocated for housing which should also carry weight in the decision making process and the weight to be given to the former open space uses on this site should be reduced considerably, and the benefits of delivering housing on this site be given elevated weight in the planning balance.

#### Clean Cover Remedial Strategy

The document has been produced in order to address the contamination identified at the site.

The site was previously subject to a ground investigation (GI) relating to the proposed end use, undertaken by Sirius and reported within report reference C8167, dated March 2019.

Subsequent to the main GI works, additional soakaway testing was undertaken in the south of the site, to inform drainage proposals for the site.

This clean cover verification plan is based on the information within, and findings of, these previous reports.

The report provides details of the import, placement and verification of the capping materials.

The report notes that a verification report shall be issued on completion of the capping works (or on a 'plot-by-plot' basis, if necessary to allow plots to be sold) and shall include the following:

- A description of the works undertaken.
- Photographs confirming depth of clean cover materials.
- Chemical verification test results (either of "as placed" or "at source" testing).
- A statement that the works have been undertaken in accordance with the agreed.
- Clean Cover Remedial Strategy.

#### Construction Management Plan

The CMP has been prepared to aid in describing and illustrating the proposed management procedures of the development.

The document provides the details and broad principles to avoid and effectively manage potential adverse construction impacts upon the environment and ensure activities comply with relevant legislation, government and industry standards, codes of practice and best practice guidance. It details the environmental controls, mitigation measures and safety procedures that will need to be adopted during construction of the Proposed Development. It sets out roles and responsibilities for the management of these controls and safety procedures.

It provides details on location of site compounds, storage of materials, construction traffic access routes, measures to prevent dirt, dust and noise as well as health and safety matters and construction hours.

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

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

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

Local Plan policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'  
 CS3 'Location of New Development'  
 CS7 'Housing Mix and Affordability'  
 CS14 'Accessible Places and Managing Demand for Travel'  
 CS19 'Green Infrastructure'  
 CS20 'Biodiversity and Geodiversity'  
 CS21 'Landscapes'  
 CS22 'Green Space'  
 CS25 'Dealing with Flood Risk'  
 CS26 'Minerals'  
 CS27 'Community Health and Safety'  
 CS28 'Sustainable Design'  
 CS30 'Low Carbon & Renewable Energy Generation'  
 CS32 'Infrastructure Delivery and Developer Contributions'  
 CS33 'Presumption in Favour of Sustainable Development'  
 SP1 'Sites Allocated for Development'  
 SP11 'Development in Residential Areas'  
 SP26 'Sustainable Transport for Development'  
 SP32 'Green Infrastructure and Landscape'  
 SP33 'Conserving the Natural Environment'  
 SP35 'Protected and Priority Species'  
 SP36 'Soil Resources'  
 SP37 'New and Improvements to Existing Green Space'  
 SP38 'Protecting Green Space'  
 SP47 'Understanding and Managing Flood Risk and Drainage'  
 SP52 'Pollution Control'  
 SP54 'Contaminated and Unstable Land'  
 SP55 'Design Principles'  
 SP56 'Car Parking Layout'  
 SP64 'Access to Community Facilities'  
 WCS7 'Managing Waste in All Developments'

### **Other Material Considerations**

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

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

National Planning Practice Guidance (NPPG)  
 National Design Guide

Nationally Described Internal Housing Standards

Dinnington Neighbourhood Plan

South Yorkshire Residential Design Guide

RMBC Adopted Supplementary Planning Documents:

- Transport Assessments, Travel Plans and Car Parking Standards
- Air Quality & Emissions
- Healthy and Equal Communities
- Development Viability
- Natural Environment

### **Publicity**

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 32 letters of representation have been received from individual addresses including one from the Dinnington Town Council, Yorkshire Wildlife Trust and the Local MP. The issues raised by local residents are summarised below:

- There is nothing for kids play around the area.
- It is wrong that this piece of land, paid for by the miners should be lost for future generations.
- Dinnington needs more facilities for recreation and our young people.
- It is wrong that CISWO and RMBC allowed this site to be run down and become derelict.
- If the land is to be built on, Dinnington needs to be provided with an alternative by CISWO, the developers and RMBC.
- We need new homes, but we need the right kind of homes in the right place.
- The scheme needs to comply with the Dinnington Neighbourhood Plan.
- The space should be used for its intended purpose as a recreation ground, not housing.
- The development is not in line with RMBC Local Plan policies.
- Local Infrastructure cannot cope with yet more houses, the road networks are congested, local schools are oversubscribed and you cannot see a doctor or dentist at present.
- There is no other suitable community greenspace for community events.
- There is nowhere to provide facilities for young people.
- The proposal is contrary to the NPPF.
- It is well used by dog walkers.
- There are brownfield sites that could be developed as an alternative.

The issues raised by the Town Council are summarised below:



- The application is not compliant with Policy H1 of Dinnington's Neighbourhood Plan, in that the housing mix does not meet the requirement that 'new housing development proposals of more than ten dwellings should... ensure that at least a third...have one or two bedrooms and no more than 50% of new homes should have four or more bedrooms.
- The Plan also states, on p46, that 'the consensus [among residents] is that it [the former Miners' Welfare ground] should be retained as green space...residents consider that at least 40% of the site should be retained as green space'. Development of this area without the retention of green space will remove the only decent welfare area in the parish.

The issues raised by the Yorkshire Wildlife Trust are summarised as:

- The Preliminary Ecological Appraisal (PEA) should be updated to an Ecological Impact Assessment (EclA).
- In accordance with NPPF para 175d, proposals should demonstrate a 'measurable' net gain in biodiversity.
- We would like to see the usage of a biodiversity metric to demonstrate how net gains for biodiversity can be achieved on site.
- This should be supported by landscaping plans and at least a draft Ecological Design Strategy (EDS) which highlights how habitats will be created, managed and monitored in perpetuity, in accordance with BS 8683.

The issues raised by the Local MP are summarised as:

- Why was the land reallocated?
- Has Sport England commented?
- The scheme doesn't comply with the Local Plan or Neighbourhood Plan.

On receipt of amended drawings and the revised housing numbers a further letter was issued to local residents giving all residents who had previously received a letter and / or who commented previously. 12 letters of representation from individual addresses, including a Local Ward Member and the MP have been received, 3 from residents, the local MP and the Yorkshire Wildlife Trust who had previously commented and 8 from residents and the Local Ward Member who had not previously commented. No additional comments have been received from Dinnington Town Council. The issues raised by the residents are summarised below:

- The area is already densely populated and the schools, doctors and local dentists are already oversubscribed. I don't think the infrastructure proposed would be sufficient.
- It would be better for the Council to regenerate the site as a park.

- We need additional housing in Dinnington but it also needs to be affordable. Any properties priced over £200,000 would rule out members of the existing community.
- The properties will not be built for the people of Dinnington.
- Concerns raised regarding the passing of land from the Trustees to CISWO after the expiry of a lease between RMBC and CISWO.
- The Council should be limiting the use of Green Belt land for development purposes.
- The proposal will lead to further congestion in the area and air pollution.
- Save the Miners Welfare.
- The scheme would make services such as GPs, dentists and schools further overstretched.
- The joining of High Nook Road, Silverdales Road and Leicester Road to the new estate will create a lot of traffic through these areas decreasing road safety as there are a lot of children on these roads.
- The site is used by dog walkers, walkers, runners and children playing which will be lost.
- The driveway opposite our drive is unacceptable.
- Why remove the trees when there is an acceptable access 10m away.
- We support the reduction of the speed limit although it may be beneficial to move this beyond the Rugby club entrance.
- The increased vehicular movements increases the risk of accidents.
- We are concerned about the level of noise during construction and where the site access will be.
- Great place for dog walking and is used often by many people.
- We don't need more houses; we need health care facilities (a dentist or a doctors) for individuals of Dinnington to use.
- This land was stolen from its original trustees. The new plan for development of the Rugby club is not a fair replacement for this large open space. This is a huge loss to Dinnington and **SHOULD NOT** be built on. This is a greenspace that deserves to be kept to uphold the mining heritage of the town.

The issues raised by the Local Ward Member are summarised as:

- The loss of recreation ground is a significant concern, it has strong links to generations of former miners in the area.
- The site has historically been used as a recreation ground.
- The land according to Sport England continues to be protected and is contrary to Sport England guidance.
- The loss of the recreation ground will affect the potential to promote physical activity.
- The spending of money to upgrade existing parks elsewhere in the ward will not mitigate the loss of a significant recreation ground.
- There are no plans to extend community infrastructure and service provision in the form of schools, roads and crucially GP services.

The additional comments from the Local MP are summarised as:

- It is not sufficient to just require the developer to spend money upgrading existing facilities, the pitches need to be replaced.
- The Council's failure to prepare a Playing Pitch Strategy means the Council cannot accurately state whether the playing pitches lost are surplus to the requirements now or in the future.
- If communities such as Dinnington are ever going to truly address the health inequalities, we need to be investing and preserving in sports and recreation facilities, not concreting over them.

The Yorkshire Wildlife Trust have commented on the updated information and have stated that they *"are pleased to see that an EclA has now been produced to fully explore the ecological impacts of the scheme."* But have still requested that the application demonstrates how Biodiversity Net Gain can be delivered which is included as a recommendation in the updated PEA.

Seven Right to Speak requests have been received from the local MP, a local Councillor, local residents and the applicant.

### **Consultations**

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

RMBC – Affordable Housing Officer: No objections.

RMBC – Tree Service: No objections subject to conditions.

RMBC – Ecology: No objections subject to conditions.

RMBC – Drainage: No objections subject to a condition.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Landscapes: No objections subject to conditions.

RMBC – Environmental Health: No objections subject to conditions.

RMBC – Education: An Education contribution would be requested for towards SEND (Special Educational Needs and Disability) / SEMH (Social, Emotional and Mental Health) provision in Dinnington.

RMBC – Green Spaces: No objections, subject to conditions.

RMBC – Air Quality Officer: No objections.

RMBC – Public Rights of Way – have confirmed that there are no definitive rights of way within the site and at the time of writing no claims have been received.

South Yorkshire Passenger Transport Executive:

South Yorkshire Archaeology Service: No objections.

Sheffield Area Geology Trust: No objections.

Severn Trent: No comments have been received.

NHS CCG: Some concerns but overall, no objections.

SY Fire and Rescue: No objections.

SY Police Architectural Liaison Officer: No objections subject to the scheme being built to achieve Secured by Design accreditation.

Sport England: Initially objected to the scheme as it was considered that it did not meet Sport England's adopted playing fields policy or the NPPF paragraph 97 as it resulted in the unjustified loss of a playing field and sport facilities.

Further comments have been received in light of the applicant's agreement to pay towards a Borough-wide Playing Pitch Strategy and to pay for replacement sport facilities within the Dinnington area, at either the High School and / or Rugby Club and / or another site in the Dinnington area, for facilities required by the outcome of the Playing Pitch Strategy.

Sport England on receipt of the above information have confirmed that the mitigation of £663,000; £30,000 towards a Playing Pitch Strategy for the Borough and use the Playing Pitch Strategy to inform the delivery of alternative sports provision *"Is acceptable to Sport England and Sport England would be minded to have no objection to this planning application, subject to a suitable section 106 agreement or other mechanism that secures the above."*

The Environment Agency: 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.

It is a point of note that a number of the objections received in relation to this application state that the site was paid for by Miners and there is a number of references to CISWO, who owned and run the site for many years on behalf of the Miners, but it has not been in use for sports provision for nearly 10 years.

The site was put forward by CISWO during the Local Plan process for housing and the Independent Inspector appointed by the Secretary of State for the Department of Communities and Local Government, at the time (now Department for Levelling Up, Housing and Communities) allowed its reallocation to residential. The site has since been sold to the developer / applicant.

The main considerations in the determination of the application are:

- Principle (including loss of Recreation Ground, mitigation / compensation)
- Design, layout and scale
- Provision of open space on the site
- Highways
- Drainage and flood risk
- Ecology and biodiversity
- Landscape and tree matters
- General amenity issues – contaminated land, noise and air quality
- Impact on existing/proposed residents.
- Impact on Education/GPs
- Other issues raised by objectors
- Planning Obligations
- Other Considerations

### Principle

The site is identified in the Sites and Policies Document within Policy SP1 'Sites Allocated for Development' as Housing Site 6.35ha and it indicates that the total site area has a capacity of approximately 131 dwellings.

CS1 'Delivering Rotherham's Spatial Strategy' states most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. Dinnington is identified as a 'Principal Settlement for Growth', which along with Anston and Laughton Common is proposed to provide 1,300 dwellings as part of the Local Plan. This application will help the Council to achieve these targets as well as assisting in achieving the targets set by Central Government in the Housing Delivery Test, which prescribes a set amount of new homes within a rolling three year period that should be built within specific Local Authorities.

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

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

The site is allocated Residential and as such the principle of residential development is acceptable, subject to other material planning considerations.

As set out above the Local Plan for the whole allocation sets out an indicative capacity of 131 dwellings and the submitted planning states the site, which is only part of the allocation, albeit the majority of it, will accommodate 152 dwellings. A Masterplan has been provided which shows a scheme for dwellings on the land outside of the applicant's ownership. As such the site does have potential to provide more than the estimated figure of 131.

It is of note that the Sites and Policies document allocates land with an indicative capacity of 1,026 homes in the Dinnington Area which is some 274 homes less than the Core Strategy indicative provision for the Dinnington Area (1,300).

Equally, the Core Strategy sets a collective requirement of 14,641 homes, whereas the Sites and Policies document only allocates 12,099 with the Plan Period, which is some 2,542 under the target. The Plan does allocate an additional 2,700 homes at Waverley and Bassingthorpe, which would account for this, but it is acknowledged that these are not likely to be fully delivered in this Plan Period.

It is also noted that the 2020 housing delivery test places Rotherham in the "Action Plan" category, which suggests that the additional contribution of this site to housing delivery would assist with wider under-delivery issues across the Borough. Whilst this is not strictly a policy compliance matter, it is material, and assists with considering the slight deviation from the allocated number of homes on this site and places that matters into being a positive factor rather than a matter which should cause concern.

Therefore, it is important to ensure that the number of dwellings approved on this site is maximised (subject to other development management priorities) in order to ensure that the overall objective of this wider Policy is met.

In respect of the proposed dwellings on this site exceeding the indicative number for the whole allocation, it is considered that the increased number that could be provided on the whole allocation would be beneficial for ensuring delivery in the Plan Period in line with the Core Strategy target; offers assistance to the Council's housing trajectory, providing a buffer for

under delivery on other sites across Rotherham and therefore a matter should not be considered to cause any harm, when determining this application.

Furthermore, delivery on the remaining part of the allocation will also benefit overall housing delivery within the Plan Period and further assist with any shortfalls or under delivery on other sites.

It is considered that the application accords with the requirements of CS1, and further, that the proposed delivery of more capacity than indicated in the site's allocation is a material benefit of the application which should be given due weight in the determination of the planning application.

In respect of policy CS3 the development site does not meet the definition in the NPPF of "previously developed land" (as recreation grounds are excluded).

Furthermore, the site is accessible to services and facilities, and has public transport nearby and the scheme will create investment in the local economy and provide housing which will assist with relieving those suffering poor access to quality housing opportunities and creating a balanced community. Moreover, the development has been designed to transition well to the adjacent open countryside; maintains a planted buffer area and creates positive green infrastructure provision. The development will also provide suitable onsite drainage infrastructure which will ensure that there is no greater risk of flooding on this site or the surrounding areas.

It is therefore concluded that both the sites allocation and the brief assessment of the application proposals above, suggests that the application would accord with the principles of policy CS3.

One of the Site Development Guidelines for this allocated housing site states: *"The preparation of a detailed masterplan to enable comprehensive development of the allocation and incorporating suitable design measures will be essential. Refer to Appendix 2 for guidance on the preparation of an appropriate masterplan."*

A detailed Masterplan has been submitted showing how the rest of the site of the housing allocation which sits outside of the applicant's ownership could be accessed and how a scheme could be developed on the remainder of the allocation. Accordingly, it is considered that the scheme has satisfied this particular Site Development Guideline.

#### *Loss of Recreation Ground, mitigation / compensation*

Two of the Site Development Guidelines for this allocated site relate to the previous use of the site as a recreation area which provided sports provision. The formal use of the land for sports provision has lapsed over 5 years ago, when the previous landowner CISWO closed the site to formal sports provision and left the site to become overgrown and unkempt.

The site, despite its previous use, was allocated for residential during the long Local Plan adoption process which culminated in the Independent Planning Inspector appointed by the Secretary of State accepting that the site could be re-allocated for residential purposes and found the reasoning for this to be sound.

They did impose various Site Development Guidelines to try and ensure that the loss of the recreation area / sports provision was adequately mitigated and / or compensated for.

The relevant Site Development Guidelines in respect of recreation / sports provision for this site state:

- Part of the site has been formerly used for recreational purposes but is currently vacant. Development proposals involving the loss of open space will need to satisfy Policy SP38 'Protecting Green Space'.
- The provision of new Green Space and community facilities will be determined through an assessment of local needs as required to satisfy Policy SP37 'New and Improvements to Existing Green Space' and Policy SP64 'Access to Community Facilities'.

Policy SP38 'Protecting Green Space' states

*“Existing Green Space, including open space, sports and recreational land, including playing fields, as identified on the Policies Map or as subsequently provided as part of any planning permission, should not be built on unless:*

- a. an assessment has been undertaken which has clearly shown the open space, sports and recreational land to be surplus to requirements and its loss would not detrimentally affect the existing and potential Green Space needs of the local community. The assessment will consider the availability of sports pitches, children’s play areas and allotment provision, to determine existing deficits and areas for improvement; or*
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c. the development is for alternative sports and recreational provision and facilities of appropriate scale and type needed to support or improve the proper function of the remaining Green Space in the locality, the needs for which clearly outweigh the loss...”*

This policy is echoed in paragraph 99 of the NPPF.

Policy SP37 'New and Improvements to Existing Green Space' states, amongst other things that:

*“... Where new on site Green Space provision on site is required, the applicant will be expected to review national, regional and local information where available and, in discussion with the Council and any other body as*



*necessary, prepare and submit an appropriate assessment of demand that is proportionate to the scale and nature of the development proposed. Consideration shall be given to the borough-wide standards for playing pitches and play spaces to determine as appropriate, the composition of any provision that will assist in achieving these standards; specifically:*

- i. the Rotherham Playing Pitch Strategy recommendations (subject to periodic review) for provision of mini-soccer, junior and senior football, cricket, and rugby union and league pitches*
- ii. whether all new homes would be within 400 metres of an equipped play area (which includes a variety of experiences for different age groups) and 280 metres of Green Space..."*

In light of the above policy SP38 effectively restricts development on open space, subject to the exceptions listed at criteria a to c as set out above. The development only has to satisfy one of the exceptions. The applicant has submitted an Open Space Assessment document and it notes that the exception in this report is criterion a) which asks that an assessment is undertaken that shows the site is surplus to requirements and its loss would not undermine the green space needs of the local community. It also asks that the assessment considers sports pitches, play areas and allotments in order to determine existing deficits and areas for improvement in the area.

The site is a former open space used for a variety of sports and recreation uses but has since fallen into disrepair and is no longer formally used for sports and recreation purposes. The site appears to have last been marked out as a playing pitch circa 2008, and since 2015 the site has been abandoned from any recreational use with the club house having been demolished, the playgrounds and crazy golf having become overgrown and the site as a whole appearing to be poorly maintained. There is also evidence of a cricket square being on site, but this appears to have last been marked out and played on circa 2002.

As the land has not been in use for more than 5 years as a playing pitch, Sport England, whilst consulted on the application, are not a statutory consultee. Furthermore, from the evidence available the use of the site as a public open space was abandoned over 5 years ago and none of the physical infrastructure is capable of re-use without substantive rebuilding. In addition, there is no evidence of use of the open fields for informal pitch sports, although the open areas have been used informally for dog walking or "kick abouts". The land was also sold, which indicates an intention on the part of the previous owners to not continue the open space use. This intention is further supported by the active pursuit of, and securing, an allocation to redevelop the site for housing purposes.

It is therefore concluded that the site has not been used as a playing pitch for the last 5 years, this is acknowledged by Sport England in their pre-app response and responses to this application; and as such it is considered that the site's use as open space has been abandoned.

The Open Space Assessment submitted by the applicant sets out a catchment area which includes Dinnington and Anston and provides a quantitative assessment setting out the existing provision. This is as follows:

Typology	Catchment (Ha)
Amenity Green Space	14.54
Cemetery	3.19
Natural	166.76
Outdoor Sports	36.19
Parks	10.42

The application site is included within the “outdoor sports” category.

In terms of the quality of the existing open space, the 2005 Green Space Audit carried out by the Council but which is now considered outdated, undertook a detailed review of quality. The developers Open Space Assessment has used the 2005 Audit as a starting point but has expanded and provided additional evidence. The Quality Assessment results are set out in below:

Typology	Quantum (Ha)	High Value (Ha)	Low Value (Ha)	High Value (%)	Low Value (%)
Amenity Green Space	14.54	6.34	8.2	44	56
Cemeteries	3.19	1.49	1.7	47	53
Natural	166.76	159.13	7.63	95	5
Outdoor Sports	36.19	36.19	0	100	0
Parks	10.42	8.72	1.7	84	16
Total	231.1	211.87	19.23		

The above shows that the quality of Amenity Space and Cemeteries has a roughly equal split of high value and low value spaces and the results for Natural, Parks and Outdoor Sports, are overwhelmingly positive. The vast majority of these spaces in the catchment are high value, indicating a good quality of provision.

This is particularly so for outdoor sport, where all of the sites are high value. This is perhaps understandable, given that these are the focus for more organised sporting activities and therefore are more likely to receive regular maintenance to facilitate these activities.

Overall, the catchment area quality of space appears to be good, with some 211ha of good quality space. When considered in the context of the 231Ha total area, this equates to some 91.7% of the total area being high value space.

The main concern is the proportion of poorer quality amenity space, which is likely to be a legacy of older developments where maintenance requirements are unclear, or where maintenance has been limited over a period of time, likely as a result of funding issues.

Of particular relevance to this application is that all of the Outdoor Sports sites have a high quality. Therefore, the loss of the Application site wouldn't leave the settlement with just low-quality sites.

Furthermore, not all the outdoor sport sites are accessible without a club membership. There are 50 pitches available across 10 sites, but 28 of these pitches are only accessible by club members, the remaining 22 pitches are "pay and play". The provision for "pay and play" Rugby is non-existent although cricket and mini-soccer are represented by this group.

Accordingly, the provision for Rugby in the catchment is mostly provided in the club setting and there is very good provision; there is good provision for football and also good access for those not affiliated with a club, in addition the provision for cricket is limited to a single club.

The loss of the site to development will remove one easy access football pitch from the catchment provision. There will remain 3 easy access grass football pitches in the catchment, although two of these are in North Anston, and the other is in South Anston. There are also a further 3 grass football pitches which are available to clubs only. Football is one of the better provided for sports in the catchment, being equalled only by Rugby, which has the same number of grass pitches, although all rugby pitches are only accessible to club members.

Discussions with National Governing Bodies suggest that there is latent demand in the catchment, this is particularly so with the Rugby Football Union, where specific improvements are sought to increase capacity, and Football Foundation, where a new artificial pitch is sought. To a lesser degree England Cricket Board suggest that some modest local club improvements would enhance capacity.

The qualitative assessment suggests that all of the outdoor sport facilities in the catchment are good quality, although the Governing Bodies inputs suggest that they have limitations and in some cases are subject to overplay, which will ultimately limit capacity and / or harm the quality of pitches if it continues.

The accessibility assessment shows that there is a good level of provision of both easy access and club only provision in the catchment. Again, the Governing Body inputs are helpful in understanding the limits on this. In particular, Rugby, Football and Cricket bodies note a need for some specific improvements in catchment facilities to enhance participation and capacity.

The loss of basketball, bowling and crazy golf facilities are disappointing from a community facilities perspective, but do not fall into the definition of a playing

pitch in the 2015 Town and Country (Development Management Procedure) Order.

Therefore, it seems reasonable to conclude that the catchment does require some improvement in facilities. It also seems reasonable to conclude that whilst new pitch provision may assist, improvements to existing facilities could help manage the situation for the Governing Bodies that have raised concerns.

In light of the above and the requirements of policy SP38 it is considered that the assessment carried out has shown that the local area is provided with a good amount of quality outdoor spaces for sport and recreation and the loss of this site would not leave the settlement with just low quality sites and there are sufficient existing pitches to mitigate the loss of facilities from developing this site.

Sport England, whilst not a statutory consultee did initially comment that a contribution of £663,000 would be required to pay for a package of compensation measures / mitigation for the loss of the sports facilities which could include:

- A senior football pitch
- A junior football pitch
- Changing and showering facilities
- A tennis court
- 20% contingency to enable the monies to be spent within the Dinnington locality

After discussions with the developer, who were initially not going to pay this, or any contribution, due to their argument that the site was not viable, have now agreed to pay the £663,000 via a section 106 agreement. The monies would be used locally to deliver sports improvements in the vicinity of the application site (i.e. Dinnington) and these facilities would be accessible to the wider community at all times. This money would come forward at suitably agreed trigger points during and after the construction phase.

The developer has also agreed to contribute £30,000 towards a Borough-wide Playing Pitch Strategy which will also be secured via the s106 agreement and shall be paid prior to any works commencing on this site. This will allow sufficient time for the Playing Pitch Strategy to be carried out and completed before the first instalment of the £663,000 is required.

Currently two proposals have been put forward by the developer, in conjunction with Dinnington High School to potentially develop land within the High School and the Dinnington Town Council to potentially develop land at the Dinnington Rugby Club. These schemes whilst in draft form and subject to planning, clearly show that there are options where this money could be spent and what type of facilities could be provided within the immediate local area. These two proposals are set out in the s106, but the final facilities that would be provided would be dictated by the outcome of the Borough-wide

Playing Pitch Strategy. The s106 also includes a caveat that should either or one of the two proposals not come to fruition for whatever reason a further scheme in line with the outcome of a Borough-wide Playing Pitch Strategy.

Both schemes would be subject to separate planning applications and would need to satisfy relevant planning policies, which is why there is a caveat included in the s106, so that should either or both of these proposals not come to forward the £663,000 is still spent in the Dinnington area on replacement sport facilities as dictated by the outcomes of the Playing Pitch Strategy.

The scheme at land within the school would be open for local community at all times and is proposed to provide the following:

- Create a sports complex that can be sectioned off from the school (to ensure safeguarding standards) which will allow broader community use than can currently be achieved.
- Upgrade the existing 2G sports pitch to 3G to Sport England standards.
- Upgrade the existing external lighting to pitches to LED
- Resurface the tennis/netball courts to Sport England standards
- Add a new MUGA for basketball to Sport England standards
- Add a new outdoor boules pitch
- Add outdoor fitness equipment and table tennis
- Upgrade the existing pavilion building and changing facilities, to allow for community use

This will deliver better community access to improved facilities for football, netball, tennis and basketball; as well as offering other sports including walking football, tennis, table tennis, general fitness equipment, boules and badminton.

The scheme proposed by Dinnington Town Council and included by Barratts in the s106 would secure the enhancement / upgrading of existing sports facilities, and the provision of new sports facilities for public access at land adjacent to the existing Dinnington Rugby Club, Lodge Lane. The provision would include:

- Gen-2 multi sports pitch (suitable for Junior Football and Hockey)
- Senior Football pitch that is also suitable for use as a Rugby pitch
- Upgrading existing changing facilities
- Tennis court

Once either or both of these improvements, or a different scheme in the local area, are made available to the wider community, it will make a significant improvement to the sports facilities currently available in Dinnington for local residents.

The payment of this contribution will mitigate the historic loss of facilities on this site and this approach offers improved facilities within Dinnington, which

will be accessible to the community, and which will encourage the take up of sports activities.

These schemes would be worked into the s106 legal agreement and offers certainty that not only the money will be spent but provides proposals on how the money could be spent in order to the benefit of the local community. It is considered that this solution offers true local mitigation for the historic loss of facilities. Therefore, this approach mitigates the concerns that Members raised against the proposal on the Pitches site, where there was not a worked up scheme to compensate for the loss of the facilities at that site and satisfies the policies SP37 and SP38 as well as the Site Development Guidelines.

In addition, it has long been an issue that Rotherham do not have a Playing Pitch Strategy and this has been referenced by Sport England previously on the Pitches application, this application and others, as well as the Inspector on the Pitches application. The contribution of £30,000 towards a Borough-wide Playing Pitch Strategy will be of benefit to other developments in the future and would bring Rotherham into line with other neighbouring authorities who all have Playing Pitch Strategies for their areas.

It is of note that the Town Council in their initial objection letter referenced p46 of the Neighbourhood plan and the consensus amongst locals that this site should be retained for green space purposes and if it were to come forward for housing at least 40% should be retained as green space.

Whilst the above comments are noted, this paragraph along with policy NE2 were removed by the Inspector and there is no specific reference to this site in the final adopted version of the Neighbourhood Plan.

#### *Access to Community Facilities*

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

The site would be sited within an appropriate distance to schools, local shops and public transport links. As such the site is located within close proximity to a range of shops and services and would comply with the requirements of policy SP64.

### *Housing Mix*

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

Further to the above, there is a policy (H1) within the Dinnington Neighbourhood Plan which refers to Housing Mix on sites within the NP area.

A few of the objections raised concerns that the development was not in accordance with the Neighbourhood Plan and refer to housing split percentages for each new development in the Dinnington area. It is of note that these percentage splits were set out in the draft policy H1, however, during its examination, the independent examiner amended the wording of this policy, to remove the percentage splits as the original wording was too prescriptive and restrictive. Accordingly, the revised wording in the final adopted NP states at H1: *"In order to help meet the present and future housing needs, including the needs of local residents, new housing development proposals, should provide a mix of housing sizes, type and tenure based on the most up to date SHMA available, supplemented by a more up to date assessment of housing need, including local housing need, if appropriate..."*

It is considered that the mix of housing proposed on this site which will provide two, three and four bed dwellings for both open market and affordable provide a mix of dwelling types that would be acceptable and appropriate for this locality.

Therefore, the issues raised by the objectors in respect of the Neighbourhood Plan are noted but do outweigh the principle of this development and the provision of an appropriate housing mix.

### *Healthy and Equal Communities*

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

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

### *Presumption in Favour of Sustainable Development*

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.”*

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, Layout and Scale

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.”*

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.”*

Policy CS28 ‘Sustainable Design’ states, in part, that: *“Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality*



*of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping..... Design should take all opportunities to improve the character and quality of an area and the way it functions.”* This seeks to ensure that all developments make a positive contribution to the environment by achieving an appropriate standard of design.

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

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

The 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.

The development has been designed to allow potential future access into the land to the south-west which forms part of this allocation. A future pedestrian access is also proposed which would link up with the green space at the junction of High Nook Road and Keats Drive to the south of the site. A pedestrian access that links up with Paterson Road has also been factored into the design of the scheme to allow existing residents to continue to access this land and proposed public open space for dog walking, play and other informal recreation.

The site is accessed via a new vehicular access point off Lodge Lane, which have an entrance feature detail, a pedestrian footpath is proposed along the northern part of the site that will be set within the site and run parallel with Lodge Lane. The footpath will link up with the existing footpath towards the west.

Three further access points are proposed that lead to private drives that each serve between two and three dwellings.

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

All the dwellings have adequate amenity space and appropriate outlooks, with internal space exceeding the national internal room standards and those set out in the South Yorkshire Residential Design Guide. The mix of dwelling

types is also, on balance, considered acceptable with affordable units providing a good mixed community.

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

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

The size and location of the various areas of public open space within the site are appropriate in terms of its size and the play equipment that will be provided in the play area and informally by way of trim-trail equipment are acceptable and provide a level of play for existing and future residents. Furthermore, footpaths and planting will be provided in the public open space which have been sympathetically designed and will allow existing and future residents to walk around the site and utilise the public open space areas and play equipment.

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

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and the applicants, through the submission of amended plans, have demonstrated a concerted effort to achieve a well-designed scheme.

#### Provision of open space on the site

Policy SP37 'New and Improvements to Existing Green Space' states, in part, that:

*"Residential development schemes of 36 dwellings or more shall provide 55 square metres of green space per dwelling on site to ensure that all new homes are:*

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

*The exception to this will be where the characteristics of the site and the nature of the proposals are likely to impact on the delivery of the Green Space*

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

The application seeks permission for 152 new homes and as such the requirement for on-site open space as set out in policy SP37 is 8,360 sq. metres. Furthermore, there is currently no suitable equipped play area within 400m of the site, as such there is a requirement that the developer provides suitable on-site play provision to satisfy policy SP39 'Design and Location of Green Space, Sport and Recreation', which outlines the principles to be followed when new play spaces are designed.

The Council's Green Space Manager has indicated that the development provides a quantum of public open space which exceeds the minimum public open space required to meet the requirements of policy SP37.

In respect of play provision on site to satisfy policies SP37 and SP39 it is noted that the scheme proposes equipment along the eastern edge of the site within the planting area and adjacent to the footpath as a "trim-trail", they also propose in the centre of the public open space a larger play area that provides a variety of play equipment to meet the LEAP (Local Equipped Area of Play) requirements.

The play area would include a large climbing structure with slide and balance beams; a spinner; a standing seesaw; a spring balance platform and a swing. Further play equipment in the form of a trim trail is proposed to the eastern boundary of the site, this will include a crunch bench; pull up station; climbing station and low level dip station. All the equipment provided apart from the springer would be constructed from timber with metal elements.

The play area is located in the centre of the public open space for two reasons, the first is that there is a statutory requirement to provide a 15m standoff from the pumping station, so it cannot be located adjacent to it; and the second is that it is close to new dwellings that will provide natural surveillance over the area. Also, if sited to the southern end of the public open space it would be unfair to impose a play area immediately behind existing dwellings.

Accordingly, it is considered that the type of play is proportionate to the development proposed and the proposal satisfies part of policy SP37 'New and Improvements to Existing Green Space' outlined above and policy SP39 'Design and Location of Green Space, Sport and Recreation', in respect of on-site public open space and play provision requirement.

Further to the above, policy CS22 'Green Space' states that: "*The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance*

*to developers on the contributions expected. Rotherham's green spaces will be protected, managed, enhanced and created by:*

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

As previously set out despite the previous use of this site it is allocated for Residential and not Green Space within the Local Plan, however the application will provide on-site green space for both existing residents of the surrounding estate and the future residents of this development. Furthermore, the on-site public open space to be created by this development, whilst smaller in area to the existing, it will provide a significant enhancement on the overgrown, unkempt land that exists presently. It will also remove the unsafe / damaged hardstanding area formerly used as a basketball court. The new open space on site together with the play facilities proposed would be managed and maintained by the developer or a Management Company on behalf of the developer and this will be secured in the s106 Legal Agreement.

It is therefore considered that the proposed development will provide an attractive area of open space that will be available to the community, that will be managed and maintained to ensure it remains such and will provide informal play and recreation for the community by way of the open space and the various play facilities to be provided. It is therefore considered that the development satisfies the requirements of policy CS22.

### Highways

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

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

Policy SP26 'Sustainable Transport for development' states, in part, that:

*"Development proposals will be supported where it can be demonstrated that:*

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

The NPPF further notes at paragraph 110: *"In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

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

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

Paragraph 113 goes on to note that: “All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”

The Site Development Guidelines state: “Additional land is required to enable suitable highways access. Consideration should be given to extending High Nook Road and connecting to Silverdales, and Leicester Road could be extended to serve part of the site.”

The Council's Transportation Infrastructure Unit have provided the following comments:

#### *Transport Assessment (TA)*

An addendum to the original TA has been submitted with additional traffic count data which was collected on the 9th June 2022. The additional survey was undertaken between the hours of 07:00 to 10:00 and 16:00 to 19:00 at the following junctions:

- Lodge Lane / Lordens Hill / Leys Lane Priority Crossroad Junction;
- B6060 Undergate Road / Outgang Lane Ghost-Island Right-Turn Junction;
- B6060 / B6463 / Nobel Way Priority Roundabout

Using industry software (TRICS) which compares completed developments of like for like sites which are of similar size, density and location the following trip rates have been determined:

	AM PEAK		PM PEAK	
	ARRIVALS	DEPARTURES	ARRIVALS	DEPARTURES
Trip Rates	0.138	0.386	0.334	0.170
Trip Generation	21	58	50	26

Development traffic distribution has been undertaken based upon existing (2011) Nomis ‘Journey to Work Data’ for the ‘Rotherham 029 Middle Layer Super Output Area’ (MSOA), in which the site is situated. This method uses Office of National Statistics data and can be considered a robust approach. Using this approach the proportion of trips taking each direction when leaving the site is as follows:

DESTINATION	PROPORTION
Lodge Lane (E)	4%
Lodge Lane (W)	96%

Of the 96% of vehicles which arrive / depart the proposed development, all vehicles will approach the Lodge Lane / Lordens Hill / Doe Quarry Lane / Leys Lane priority crossroad junction. Details of the distribution at this junction are set out below:

DESTINATION	PROPORTION
Lordens Hill (S)	11%
Doe Quarry Lane (W)	78%
Leys Lane (N)	8%

On the basis of the distribution analysis approximately 13 vehicles will approach the junction with the A57 at the Red Lion in the AM peak hour and turn towards the M1. Even allowing a 10% margin of error, this indicates that there will not be a problem at the M1 junction.

#### Traffic Impact

The TA has considered the impact of the additional trips shown above on the operation of the following junctions:

Lodge Lane / Site Access Priority T-Junction;  
 Lodge Lane / Lordens Hill / Leys Lane Priority Crossroad Junction;  
 B6060 Undergate Road / Outgang Lane Ghost-Island Right-Turn Junction;  
 B6060/ 6463 / Nobel Way Priority Roundabout

#### Lodge Lane / Site Access

The site access junction operates well within its limit and no queues are likely.

#### Lodge Lane / Lordens Hill / Doe Quarry Lane / Leys Lane Priority Crossroad Junction

The model demonstrated that this junction will continue to function well within capacity and will therefore not require any mitigation works.

#### Outgang Lane / B6060 Undergate Road T-Junction

The values assessed for 2027 when the development is expected to be complete are over the usual accepted threshold on two arms of the junction. However, this is taking into account both predicted traffic growth as well as the development traffic impact which may slightly overstate the case. The maximum queue length of 9 pcus is deemed to be acceptable and is not considered to be severe.

#### B6463 Common Road / B6060 Outgang Lane / Nobel Way / B6463 Monksbridge Road Roundabout Junction

On the basis of the model presented it appears that two arms will be marginally above the normal accepted operation levels in 2027 with the development traffic. The number of additional vehicles in the queue resulting from the development is small (max 4 on any arm). However, this is taking into account both predicted traffic growth as well as the development traffic impact and may slightly overstate the case. The queue length is deemed to be acceptable and is not considered to be severe.

In light of the above the Council's Transportation Infrastructure Service have confirmed that the additional modelling has demonstrated that the proposed development traffic can be accommodated within the existing highway network.

### *Site Layout*

With regard to the site layout the Council's Transportation Infrastructure Service have confirmed that the revised site layout complies with guidance from the South Yorkshire Residential Design Guide / Manual for Streets and on site car parking facilities comply with the Council's minimum standards set out within the Council's adopted Supplementary Planning Document 'Transport Assessments; Travel Plan and Parking Standards'.

The scheme has been designed to a 20 mph speed limit, this will require a Traffic Regulation Order and the applicant has confirmed that they will fund the works involved. The applicant will need to contact the relevant Officer within the Council's Transportation Infrastructure Service to start the process if the planning application is successful.

The scheme also requires a new 3m wide footway / cycleway on the site frontage within the existing highway and a gateway scheme will be provided in Lodge Lane prior to the development coming into use and this will include the relocation of the 30 mph speed limit. These works will require the developer to enter into a S278 legal agreement with the Council.

### *Sustainability*

The applicant has confirmed that they will enter into a section 106 agreement with the Council to enhance the sustainability of the site and a rate of £500 per dwelling.

Therefore, with regard to the above the proposed development would not raise any highway safety issues or highway concerns both within the local and strategic networks, accordingly the scheme subject to conditions would comply with the relevant national and local planning policies referred to above and as such there are no highway reasons to refuse this application.

### Drainage and flood risk

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



*“Proposals will be supported which:*

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

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

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

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

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

The Council’s Drainage Section have indicated that the drainage information submitted by the applicant with regard to discharge of surface water including the pumping station and the attenuation tank being underground are acceptable and will ensure that the site can be appropriately drained and would not cause any issues to future residents of the estate or adjacent residents on the existing neighbouring estate.

Whilst the Council’s Drainage Section are satisfied with what has been submitted to date in respect of drainage and flood risk, before they can finally agree the details, they need to see evidence of the section 104 agreement. The section 104 application process which sits outside of planning can take several weeks / months to deal with and as such the Council’s Drainage Section have confirmed that they are amenable to imposing a planning condition that can be discharged when the section 104 agreement is in place.

Accordingly, the condition will require details of the surface water discharge 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 concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development. This will ensure that the site is connected to suitable drainage systems and ensure that full details thereof are approved by the Local Planning Authority before any works begin and in accordance with Policy CS25 ‘Dealing with Flood Risk’ of the adopted Rotherham Local Plan.

Therefore, having regard to the above and subject to the recommended condition it is considered that the proposals accord with the above Local Plan Policies and the advice within the NPPF.

### Ecology and Biodiversity

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

Policy SP33 ‘Conserving and Enhancing the Natural Environment’ states, in part, that: *“Development should conserve and enhance existing and create new features of biodiversity and geodiversity value,”* and adds that: *“Development will be expected to enhance biodiversity and geodiversity onsite with the aim of contributing to wider biodiversity and geodiversity delivery including, where appropriate, direct contribution to Ecological*

*Networks, the Green Infrastructure network, Biodiversity Opportunity Areas, Nature Improvement Areas and Living Landscapes.”*

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

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

The NPPF further advises in part of paragraph 174 that: *“Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):*

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

A Preliminary Ecological Appraisal has been submitted in support of the application and has been assessed by the Council’s Ecologist who has raised no objections to the appraisal or its contents. They have indicated that the mitigation measures contained in the PEA should be conditioned, this includes:

- An ecologically sensitive planting plan to ensure areas of public open space and other landscaped areas comprise native plant species.
- Areas of POS should be accessible for foraging and commuting badgers with appropriate fencing installed, and during the construction phase any excavations should be covered overnight.
- Bird nesting boxes should be incorporated into the development.
- Gaps should be provided within boundary treatments of gardens to enable hedgehogs to continue to move through the Site.
- Landscaping proposals should incorporate native flowering species within areas of wildflower grassland, hedgerows, tree planting and ornamental planting.
- Himalayan balsam and cotoneaster were found at the Site. Himalayan balsam should be eradicated. Cotoneaster sp. should be removed using hand tools and the entire plant should be removed and bagged separately to other vegetation. This should then be transported to a suitable green waste facility which is made aware of the contents.

In addition, a Bat Survey was submitted which noted that the site may potentially offer suitable roosting, foraging and commuting habitat for bats. Bat activity surveys and an inspection of trees on Site for roosting bats were undertaken. Foraging and commuting bat activity was considered to be very low during each transect survey and species diversity was low with up to three species recorded during the surveys.

Notwithstanding the above, the survey recommends the inclusion of bat boxes within the development to provide a positive enhancement for nature conservation and a bat sensitive lighting scheme should be implemented.

The Council's Ecologist has confirmed that these should be conditioned and subject to those conditions the scheme would raise no ecological issues as the mitigation outlined above, together with the enhanced planting scheme will provide some enhancement.

The objection raised by the Yorkshire Wildlife Trust is noted and updated information has been submitted by the applicant and considered by the Yorkshire Wildlife Trust who have indicated that they are pleased to see that an EclA has now been produced to fully explore the ecological impacts of the scheme.

They have also indicated that they would like to see how the development can delivery Biodiversity Net Gain. This is indicated as a recommendation in the updated PEA. The PEA states the following in terms of recommendations:

- 48 bat boxes comprising 38 Habibat 3S building integrated bat boxes (or equivalent) and ten tree mounted Schwegler 2F bat boxes (or equivalent) will be installed at the Site, the total of which will provide bat roosting provision on 30% of properties at the Site. The bat boxes will be placed at a minimum height of 4 m in a number of locations facing different aspects to maximise the chances of occupation. Northern aspects will be avoided.
- 48 bird boxes will be installed in order to provide bird nesting provision on 30% of properties at the Site. The bird boxes will be placed at a minimum height of 3 m in a number of locations facing different aspects to maximise the chances of occupation. Full south aspects which receive sun all day during the summer months present a risk of overheating and should therefore be avoided.
- Gaps shall be provided within boundary treatments of gardens to enable hedgehogs to continue to move through the Site.
- Landscaping proposals shall incorporate native flowering species within areas of wildflower grassland, hedgerows, tree planting and ornamental planting.

Yorkshire Wildlife Trust also make reference to a 10% increase and a matrix which was part of the recent Environment Act. However, this matrix and figure is not yet a legal requirement for applicants and as such cannot be requested at this time. Notwithstanding, the NPPF at paragraph 174 d)

requires that planning decisions 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”*.

In light of the above and given the updated PEA states within the recommendations section that a Biodiversity Net Gain Assessment will be undertaken, it is considered relevant to impose this requirement as a condition.

Therefore, subject to conditions it is considered that the updated ecological documents have overcome the concerns of the Yorkshire Wildlife Trust and subject to the requirements of recommended conditions being implemented the application would be acceptable from an ecological perspective.

### Landscapes and Trees

The site has a boundary with greenbelt to the east and lies within the local character area of East Rotherham Limestone Plateau. This is described in Rotherham's Landscape Character Assessment of 2010 as generally being of moderate strength of character in Moderate condition. The focus of any landscape management proposals for this character area, given its character and condition should be to improve and conserve features which contribute positively to its overall character. The site does not fall within a Green Infrastructure Corridor.

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

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

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

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

*scale and impact of the development and to meeting needs of future occupants and users.”*

The Site Development Guidelines for this allocated site in respect of landscape state:

- Landscape Assessment will be needed to assess and manage the impact of potential new development on landscape character and on natural landscape features such as trees and hedgerows. Existing boundary vegetation including notable mature trees shall be retained, unless agreed in writing with the Local Planning Authority. This will offer screening and setting for the development.
- Development shall provide a strong structural landscape framework within which this development will sit. The appropriate long term management and maintenance of any existing or newly created Green Infrastructure assets within the development will need to be explored and funded.

The Council's Landscape Design Team initially raised concerns regarding the proposal from a landscape perspective as there appeared to be insufficient information provided to explain the extent and quality of the landscape proposals and no Landscape Assessment had been submitted.

A revised landscape plan and a landscape statement was provided which, amongst other things, provides an assessment of the visual impact of the development on the landscape and how such an impact will be managed.

The assessment notes that the local topography and vegetation ensure that the site is partly screened by existing boundary vegetation from existing dwellings to the west and south. It is however readily visible from viewpoints to the east. However, it points out that the existing residential development lying to the west is also clearly visible from these viewpoints and there is therefore scope for screening both new and existing dwellings if mitigation measures are implemented.

Although the site is presently partly defined to the east by tree and hedgerow vegetation this is intermittent, so it provides limited screening at the present time. It is proposed to infill the gaps in the hedge and introduce a continuous band of trees along the full length of the eastern site boundary to augment the existing planting and thereby provide a strong, continuous visual barrier between the settlement of Dinnington and open countryside to the east. It is considered that the assessment provided, and the mitigation would satisfy the first Site Development Guideline detailed above.

Further to the above it is considered that the proposal will provide appropriate structural landscape planting both along the boundaries of the site and within the site itself. During discussions on the application, particularly in respect of the access into and out of the site and other highway requirements such as new pedestrian walkway along the road, it will result in the existing vegetation

including trees and hedgerows along Lodge Lane being removed to ensure there is no conflict with the pedestrian walkway. Colleagues in the Transportation Infrastructure Service have noted that regardless of the location of the required pedestrian walkway along Lodge Lane it would have resulted in these trees being removed.

The landscape scheme proposed shows that along with additional planting of hedgerows along the eastern and southern boundaries, widespread tree planting within the site, there is also to be a hedge / shrub proposal along with roadside trees, which is supported by colleagues in the Landscape service.

The Council's Landscape Design Team have indicated that the submitted landscape scheme is acceptable and complies with previously suggested proposals. Matters raised by the Landscape team in respect of tree protection and overdevelopment will be considered by the Tree Service and Planning Officers respectively.

Therefore, from a purely landscape perspective and subject to the landscape scheme being carried out in accordance with the submitted details there are no issues in respect of the boundary treatment and internal landscape proposals.

Overall, it is considered that the new proposals would provide a satisfactory edge to Dinnington village and reduce any perceived adverse visual impact and would screen existing dwellings and, over time, result in an overall beneficial impact compared with the existing situation. Moreover, the proposed paved footpaths along the northern and eastern site boundaries will provide a valuable new public amenity for existing and new residents. This will link to the existing informal footpath that runs east-west across the site from Patterson Road, and when taken together the landscape proposals will enhance both the visual appearance and wildlife potential of this site. In addition, the open spaces thus created will provide an attractive and sheltered environment for users of the site.

Accordingly, it is considered that the proposal would satisfy the Site Development Guidelines and the relevant policies contained within the adopted local plan from a landscape perspective.

With regard to trees, the scheme is proposed to remove 11 individual category B trees and 2 category B groups, resulting in 20 category B trees being removed. In addition, 6 category C trees are to be removed to facilitate the development and 2 trees removed for arboricultural reasons.

The Tree Service have indicated that the tree removals to facilitate the development will result in a significant and immediate loss of public amenity. However, the new proposed tree planting will go towards mitigating for the losses in the longer term.

The Tree Service have indicated that the submitted updated tree documents are acceptable and fit for purpose and as subject to a condition requiring the

development is carried out in accordance with the submitted tree documents there are no objections from a tree loss perspective, and as such there are no justifiable reasons to refuse the application on the loss of trees.

General amenity issues – contaminated land, noise and air quality

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

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

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

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

- a. demonstrate there is no significant harm, or risk of significant harm, to human health or the environment or of pollution of any water course or ground water;*



- b. ensure necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;*
- c. demonstrate that adverse ground conditions have been properly identified and safely treated;*
- d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use."*

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

The site would be accessed off Lodge Lane, and due to the level of development proposed a Construction Management Plan to control such issues, should be provided and approved prior to any works commencing on site.

A Construction & Environment Management Plan (CEMP) has been submitted in support of the application and has been deemed to be acceptable and as such a condition requiring the construction phase (including any demolition) is carried out in accordance with the submitted and agreed CEMP.

In relation to Air Quality, it is of note that 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.

Air quality in the Dinnington area is generally good, however emissions to air resulting from all new developments should be mitigated. The proposed development as set out in the adopted Rotherham SPD 'Air Quality and Emissions' will be required to provide each property with an electric vehicle charging.

Details of the type and location of EV Charging points have been submitted. The details show that all 152 dwellings will have a mode 3 type 2, 32 AMP 7KW E.V Charging Point installed. A standard electric vehicle charging point should be capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). This development will have the higher output installed which is more likely to futureproof. The proposals therefore meets the

minimum standard and can be deemed as being acceptable for this development.

Accordingly, there are no issues in respect of air quality impact from the development and subject to the aforementioned condition the scheme would comply with policy CS30, the adopted SPD 'Air Quality and Emissions' and paragraph 110 of the NPPF.

It is noted that an objector has raised the issue of air pollution, however this matter has been considered and as set out above there is no concerns with increased air pollution from the traffic generated by this development. It is also of note that over time the impact on air quality in general will reduce due to significant enhancements in what cars are powered by i.e. electric and hydrogen.

From a land contamination perspective, the Land Contamination Officer has indicated that the application site comprises of 5 hectares of land located to the south of Lodge Lane. The application site currently comprises of an open grassed field and within the north-western part of the site lies an area of concrete and asphalt hard standing associated with the former Miners Welfare Institute building and associated recreation grounds. Within the northern central part of the site is an overgrown area comprising of a dilapidated crazy golf course and children's playground.

Historically, the site remained undeveloped until 1930 when the Miners Welfare Institute was built. Various areas of the site were developed as tennis courts, bowling green, football pitch and cricket pitch with associated buildings. The site remained in use for recreational purposes with various sports pitches until the 2010's.

No industrial land uses have taken place at the application site or on adjacent surrounding land that could give rise to significant land contamination.

Site investigation works were undertaken at the site between 7th – 12th February 2020, the 6th March 2020 and on the 22nd July 2022 to assess ground conditions across the site and to assess for contamination which may exist within the surface soils at the site.

The site investigation works comprised the excavation of 30 trial pits and the installation of 14 windowless sample boreholes, complete with 5 ground gas and groundwater monitoring installations. The boreholes and trial pits were located to gather information across the entire site. 8 samples of topsoil/reworked topsoil, 4 samples of made ground and 1 sample of natural ground were obtained during the site investigation works and submitted to an accredited laboratory for chemical testing, so that an assessment of potential contamination could be made. Supplementary soil testing for lead was also undertaken on a further 15 samples of topsoil and 3 samples of subsoil. Ground gas / water level monitoring was undertaken on three occasions over a 6-week period.

Locally, made ground between 0.05 and 0.6m thick was noted within the footprints of the former buildings and recreation grounds within the northern and north-western parts of the site and locally within the southern part.

Chemical analysis of the soil samples has demonstrated that all contaminants tested for were mostly found to be below the relevant governmental guideline thresholds for a residential end use. The only notable exceptions to this were elevated levels of arsenic within the made ground within the north and north-western parts of the site and elevated lead which was found within 7 of 8 samples of topsoil submitted for chemical analysis. Due to the elevated levels of lead additional topsoil and subsoil samples were collected and submitted for further chemical testing. Statistical analysis of the combined lead results confirmed the samples fall below the recommended guideline value and will not pose a risk to human health.

The Council's Land Contamination Officer recommends that soils affected by arsenic are isolated and placed below areas of hardstanding, roads etc. A clean soil capping layer of 600mm is required to be placed over made ground underlying garden areas.

Furthermore, it is noted that gas monitoring showed no elevated concentrations of methane or carbon dioxide gas being recorded on any of the monitoring occasions. These results confirm that the site falls within a Gas Characteristic Situation 1 and no gas protection measures are required for the new builds.

In conclusion it is considered there is very low risk to the future users of the site from potential site contamination and the site is considered suitable for its proposed end use, subject to the placement of arsenic and lead contaminated soils beneath areas of hard standing and other relevant conditions.

In addition to the above, the site is located within a Mineral Safeguarding Area for coal, clay, limestone and is also in a PEDL area. Policy CS26 'Minerals' states: *"Proposals for non-mineral development within the Mineral Safeguarding Areas...will be supported where it can be demonstrated that:*

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

The application is accompanied by a geo-environmental appraisal which offers information relevant to the likelihood of extraction occurring on this site.

The applicant considers it unlikely that the site would be granted future permission for extraction of minerals, this is due to the unacceptable impacts on nearby residents such work would raise, and it would not be economically feasible and as such development for residential purposes is not considered a loss of a future resource. The assessment submitted by the applicant shows that the scheme would satisfy points c to g of policy CS26 and as such the policy has been satisfied as the development is only required to comply with one of the criteria above.

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

The development will involve the re-use of suitable topsoils within landscaping and garden areas. The geo-environmental appraisal suggests that some soils may need to be covered by development or capped with clean material. This will be done to ensure the suitability of garden and landscaped areas for the end users. Given that not all soils are suitable, it is considered unlikely that there will be issues with surplus soils needing transportation off site. Where soils are stored for re-use, best practice guidelines will be followed to ensure that their quality is not compromised during storage.

The development will provide new greenspaces, landscaping and garden areas that will be permeable and help avoid soil erosion by being bound with planting and slowing water flows within and off the site.

The site is not B&MV land as it is currently unused former green space.

Should it be required to import soils to create the landscaped and garden areas, those materials will be certified clean.

With this in mind it is considered that the proposals accord with policy SP36 'Soil Resources'.

#### 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.”*

It is noted that residential properties are located immediately to the west of the site and that there is also additional land within this housing allocation that could come forward for further housing to the south-west. This development is therefore required to not only ensure that the amenity of those residents in existing properties to the west are safeguarded but also that the land to the south-west is also safeguarded to ensure the development land is not stymied. Furthermore, the amenity of future residents of this application will also need to be similarly safeguarded.

The development hereby proposed has been designed to ensure that those properties adjacent to the western boundary of the site in close proximity to existing dwellings all satisfy the inter-house spacing standards set out in the South Yorkshire Residential Design Guide. Therefore, no new property will have a habitable room window within 10m of the boundary with an existing property and there is more than 21m between the rear elevation of a proposed property and the rear elevation of an existing property. This will ensure that there is no privacy issues either from people looking directly into windows or overlooking into rear gardens.

Further to the above, all properties within the development also meet the inter-house spacing standards set out above, which will ensure that future occupants of the development are not subject to unacceptable levels of overlooking or privacy issues.

In addition, given the spacing distances between properties and the orientation of the site, the new properties are unlikely to cause any overshadowing of private gardens or rear windows of existing properties that would warrant a refusal of the application. Moreover, within the site there will also be no significant issues of overshadowing between proposed properties.

The applicant to illustrate the above point has provided a number of cross-section drawings showing the relationship between proposed properties and between existing and proposed properties whereby a rear elevation would be sited relatively close to a side elevation of another property. These drawings have included 25 degree vertical sight lines from ground floor windows which show that the line clears the ridge of the adjacent property.

Therefore, from the information provided given the distance between the properties, the proposed properties would not give rise to levels of overlooking, loss of privacy or appear overbearing from existing neighbouring properties and the proposal would not result in the loss of daylight to rear gardens or rear habitable rooms of existing properties to the west of the site.

In addition to the amenity of existing residents being safeguarded and not severely affected by the development the amenity of future residents of the development will also be similarly safeguarded.

It is noted that there are 10 dwellings whose rear gardens are below the recommended standard set out in the South Yorkshire Residential Design Guide, a number of these are within a few sq. metres off the required standard but all are 10m in length. The two plots that are furthest away from the recommended guidance is plot 38, 67 and 74 which are approximately 10 sq. metres below the recommended guidance. In respect of plot 38 it has a good sized area to the front and as it is a corner plot it is likely to be well screened so that could become private and off-set the slightly deficient rear garden. In respect of plots 67 and 74 they have shared walkways to the side and along the rear to allow rear access to the central property in the row, which impacts on the area of the rear garden. Whilst it is below the guidance it is only a few plots and there are mitigating circumstances for why this is the case. In addition, the length of the rear gardens are acceptable and each property would be bought as seen and some people may not wish to have a large garden. It is therefore considered that whilst several plots have rear garden areas less than the required size, there are mitigating circumstances in this instance and on balance it would not be a justifiable reason for refusal.

With the above in mind, it is considered that the proposed development adequately addresses how the development does not affect the amenity of existing resident, 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'.

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

It is noted that concerns have been raised by local residents regarding how this scheme will impact on local infrastructure such as the road network, local schools and health facilities.

With regard to the impact on the local road network this has already been assessed and considered acceptable as set out in this report.

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

With regard to the impact on schools, the Education Service have noted that an Education contribution would be required towards Secondary, SEND (Special Educational Needs and Disability) or SEMH (Social, Emotional and Mental Health) school places in the Dinnington 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. This figure is £313,242.50.

In respect of health care provision, the NHS Rotherham Clinical Commissioning Group (CCG) have indicated that the number of houses and an increase of approximately 400 residents in this case has the potential to create a pinch point for existing primary care services. However, although existing services are stretched they will cope better with gradual growth, in addition the NHS are now using a Primary Care network approach along with new ways of working e.g. telephone and video consultation. Furthermore, developments such as this usually cause population movement around the Borough e.g. young adults moving out of family homes and not significantly new population and therefore it is usually the case that patients are already registered with local practices and so can be accommodated.

It is further of note that in respect of local healthcare provision, the most recently published Rotherham Community Infrastructure Levy (CIL) Annual Infrastructure Funding Statement makes it clear that under Regulation 121A, the Council may fund through CIL receipts a wide range of eligible infrastructure, which notably includes Healthcare.

The application site is located within "Residential Zone 3 – low" and the Council's adopted Community Infrastructure Levy payable is based on the additional floor space created by the development. In this locality that equates to £17.60 per sq. metre, but the figure is subject to variation depending upon the indexed figure at the time of payment(s) being triggered.

Accordingly, once the CIL money is paid to the Council in line with the adopted Instalments Policy set out in the adopted CIL document, various public bodies including internal Council departments can bid for money, not just generated by CIL from this development but generated by other developments around the Borough to be spent on infrastructure projects which can include healthcare facilities.

The local practice that is likely to be impacted operates from three sites in Dinnington, North Anston and Woodsetts. The Local Plan identifies 1,300

additional properties in the Dinnington, Anston and Laughton area over the current plan period which could equate to an additional 2,990 patients. The three sites have a list size of circa 20,000 patients at present which under national guidance requires 1,250m<sup>2</sup> to operate, and they have 1,446m<sup>2</sup> available to them as such there is theoretically room to expand.

It is also of note that 15% of the CIL money generated from this development would go to the Town Council, to spend on various infrastructure projects in the Dinnington area. The Town Council, along with the NHS CCG would have the opportunity to bid for other CIL money that is generated from any CIL charging development from anywhere in the Borough.

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.

#### Other issues raised by objectors

Numerous objections have been raised by residents, the Town Council and Local MP, many of which have been considered in the preceding paragraphs and have been addressed in those paragraphs or via planning conditions / s106 contributions, such as the principle of development, the assessment of the scheme against national and local planning policies, affordable housing, impact on local amenities and services such as education, doctors surgeries, impact on local highway, air pollution and provision of play facilities both on and off site for the local community.

It is also worth reiterating at this point that the site is not allocated Green Belt in the Council's adopted Local Plan, it was previously allocated for Green Belt land in the now obsolete Unitary Development Plan and as such holds no weight in the determination of this application. Furthermore, the issue of how and why the land was reallocated to housing has also been raised. As mentioned in the report above the site was put forward during the Local Plan process some years ago by the landowner at the time (CISWO) as being potentially suitable for housing. The site was assessed and included in the draft Local Plan which was then subject to extensive public consultation before the final document was assessed by an Independent Inspector appointed by the Secretary of State during a lengthy Examination in Public. After this lengthy examination the Inspector concluded to include this land for housing, subject to the Site Development Guidelines.

Other concerns regarding how the site has been left to become derelict by the former owners of the site are noted but cannot be taken into account in the determination of the application.

An objector raised the point of why the Council couldn't regenerate the site as a park, whilst noted the Council do not own the site and it is for the landowner to decide what they would like to do with the site. In this instance the previous landowner decided to stop the site being used for formal recreation



use and the current is looking to provide homes in line with the site's allocation within the Council's adopted Local Plan.

A further objection has raised the issue of how the land was transferred back to CISWO from Rotherham Council and not the Trustees. It is of note that land ownership issues are not material planning considerations and are a legal matter outside of the remit of the planning system and does not preclude a decision on a planning application. It is also of note that in the objection letter it confirms that the matter was raised with the Charity Commission who decided not to follow this up, the National Union of Miners took up the case but having been to a tribunal in front of a Justice of the Realm, they ruled in favour of CISWO and against the Trustees.

Other concerns regarding the loss of dog walking facilities, facilities for walkers, runners and children to play, are noted but the scheme provides areas of green space and linkages from the existing estate at Paterson Road to allow dog walkers, runners and children to access the site via a continuation of the existing footpath at the end of Paterson Road which will continue into the site. In addition, there is to be new purpose built play equipment provided on the site for the whole community to use as well as areas of public open space for informal recreation including dog walking, running, walking and children's play. Accordingly, the site once developed will still provide these facilities and opportunities for the local community.

Furthermore, the issue that there are other brownfield sites in the area, notably the former Timber Yard is noted, however this site is also allocated for residential in the Local Plan and together with this site and the others allocated for residential in the Dinnington Area have been counted towards the housing numbers required for this area in line with the adopted policy HG1 as well as the Government Housing Targets. Accordingly, both sites are needed to achieve this and the other site may also come forward or it may be left in its current state, depending on the owners intentions.

An objection has been raised regarding the joining of High Nook Road, Silverdales Road and Leicester Road to the new estate, which some residents have indicated will create a lot of traffic through these areas decreasing road safety as there are a lot of children on these roads. With regard to these comments should be noted that there is to be no vehicular access to of High Nook Road, Silverdales Road and Leicester Road, this is because the land to the south and south-west of the application site boundary is outside of the control of the applicant and in third party ownership. The scheme does include the future possibility of linking to this land to the south and south-west either for vehicles and / or pedestrians. This is to ensure that the land outside the application boundary is not stymied from development when it too is allocated for residential and falls within the wider housing allocation. This is seen as good practice when developing sites in separate ownerships and is in line with relevant national and local planning policies and guidance. If the pieces of land outside of the application were to be brought forward for housing in the future issues around increased traffic etc. would be assessed at that time.

The Local MP has raised concerns about the Council's lack of a Playing Pitch Strategy, this is noted and is something the Council are keen to undertake. It has been something that has been raised numerous times by Sport England not only on this application but previous applications in the Borough. A Playing Pitch Strategy has not previously been undertaken by the Council for a number of reasons, however the agreed contribution by the developer of £30,000 towards the cost of a Playing Pitch Strategy, which will be secured via a s106 legal agreement will allow the Council to produce such a strategy. However, in respect of this application, it has to be determined based on the current relevant adopted planning documents. As set out above the money previously requested by Sport England to compensate for the loss of the sports provision at this site is to be paid by the developer and secured by the legal agreement. The legal agreement also provides details of two costed-up schemes that both enhance and provide new facilities at the nearby secondary school and the neighbouring Rugby Club, which will be open and available for all the community at all times. These schemes have been deemed appropriate and suitable by the Council's Green Spaces Manager, in principle subject to the schemes obtaining the relevant planning approvals. Furthermore, if for any reason the one or both of the schemes cannot be implemented, the £663,000 will be spent in the Dinnington area on another replacement sports scheme in accordance with the outcome of the Playing Pitch Strategy.

The Local MP also raises the recent application at The Pitches, off Wickersley Road, Broom which was refused by members and dismissed at appeal after a public inquiry. The two sites are similar insofar as they were previously used for sport and recreation and have both not been in use for more than 5 years. However, the site at The Pitches was not allocated within the Local Plan for residential, whereas this site is an allocated residential site, as such The Pitches site at the time of the Local Plan was not deemed to be suitable for residential by the Inspector appointed by the Secretary of State. Whereas the same Inspector considered this site to be suitable for residential subject to several Site Development Guidelines to help compensate for the loss of the previous recreational ground use, despite it not being in use for some time.

The report above sets out clearly that the current scheme is acceptable in principle as the site is allocated for residential, unlike The Pitches site, and the development either through mitigation or compensation satisfies the Site Development Guidelines set by the Inspector within the Local Plan.

It is also of note that unlike The Pitches development, the s106 monies for replacement facilities secured with this development will be spent in the local area i.e. Dinnington and thus would benefit the local residents within the Dinnington area. The Inspector during The Pitches appeal was critical that the proposed s106 monies (if the scheme were to be allowed) would have been to improve facilities anywhere in Borough and not necessarily for the benefit of those who previously benefited and used the facilities that would have been lost.

It is therefore considered that given the monies would be spent in the local area on sports facilities for the local community of Dinnington the scheme would aid in addressing the health inequalities of the residents of Dinnington.

Furthermore, Sport England have noted that whilst its default position is to maintain its objection to this application on the basis that it will result in the loss of playing field and sport facilities, until a suitable Section 106 agreement, or other legal mechanism is delivered that secures the suitable mitigation. They have stated that once a suitable s106 agreement or other legal mechanism is completed and signed that secures the mitigation of £663,000 towards replacement sport facilities, £30,000 towards a Playing Pitch Strategy and to use the Playing Pitch Strategy to inform the delivery of the replacement sport facilities, Sport England will formally withdraw the objection.

The legal agreement set out in this report has been signed prior to the application going to Planning Board for a resolution by Members. As such officers consider that Sport England's objection has been satisfactorily removed.

Furthermore, it is of note that Sport England have viewed the agreement and have agreed to the wording in respect of the mechanisms set out within it to obtain the funds for the Playing Pitch Strategy and the replacement sport facilities in the Dinnington area.

The Local Ward Member in their objection letter raises a number of points which have been considered and addressed within the report such as the loss of the recreation ground; how the mitigation measures and the development will still allow for local residents to partake in physical activities; how and where the monies will be spent for the upgrade and new community sports facilities and also how local infrastructure will be impacted, in respect of highway impact, education contributions and local GP services.

The Local Ward Member also raises the point that the site, according to Sports England continues to be protected, and that Sport England guidance states that "Unless a developer can prove their proposal will improve or protect sports provision at the site", then they will object to the plan and whether or not a site is currently used for the purpose of providing a playing field is irrelevant, as is any assessment as to how long ago it was last used in such a capacity. It is mentioned in this report that Sport England at both pre-app and during the consideration of this application have confirmed that as the site has not been in use for more than 5 years as a playing field they are not a statutory consultee under the terms of the Town and Country Planning (Development Management Procedure) Order 2015, which states that Sport England should be a statutory consultee on development which:

- Is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or
- Is on land which has been a) used as a playing field at any time in the 5 years before the making of the relevant application and which remains undeveloped; or b) allocated for use as a playing field in a

development plan or in proposals for such a plan or its alteration or replacement; or

- Involves the replacement of the grass surface of a playing field on a playing field with an artificial, manmade or composite surface.

As detailed in this report it is considered that those Site Development Guidelines have been met to such an extent that the scheme, when the planning balance is assessed weighs in favour of the site being brought forward for development subject to conditions and securing the s106 contributions.

### 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, it is of note that the developer submitted an Economic Viability Appraisal with the application to effectively say that the site was not viable and that they would not be meeting any obligations that might be required on this site i.e. no 25% affordable housing provision, no education contribution of £313,242.50, no sport provision compensation of £663,000 and no sustainable travel contribution of £76,000.

This EVA was independently assessed in line with policy CS7 'Housing Mix and Affordability' in April 2021. The assessment came back from the independent assessor that the site was viable, and they could provide the full policy position of 25% affordable housing on site along with the various commuted sums listed above.

A further EVA was submitted by the applicant, reiterating the fact that they believe the site to be unviable. This EVA was again independently assessed but by a different assessor in October 2021, and they effectively came to the same conclusion that the site was viable and that the scheme should provide 25% affordable housing and can accommodate the full contributions set out above.

Since the report in October 2021 there have been a number of discussions between the developer and the assessor and between the development and the Council to try and agree a way forward and to unlock this allocated housing site. After numerous discussions over the past few months the independent assessor confirmed that on receipt of updated figures the site was viable with 20% affordable and the full monetary sums set out above.

The developer has agreed to provide 20% affordable housing on site (i.e. 30 units) along with the full commuted sums of £313,242.50 towards education places at Dinnington High School; £663,000 to be spent in the Dinnington area on sport facilities for the local community; £30,000 towards a Borough-wide Playing Pitch Strategy and £76,000 to be spent on sustainable transport promotion within the Dinnington area. In addition, there will be a requirement for the setting up of a Management Company to manage and maintain the Green Spaces within the development site i.e. the public open space, the landscape buffers and the play area / equipment.

The affordable housing contribution would be split as follows:

- 30 units in total (20% of 152 homes)
  - 15 for Rent - 3 x 2 bed and 12 x 3 bed
  - 15 First Homes: All 3 bed

The Council's Affordable Housing Officer has indicated that following the viability process, 20% affordable housing is accepted on this site for the reasons set out above and in line with the Independent assessors comments. Furthermore, the split outlined above is also considered to be acceptable and will be set out in full in the s106 legal agreement and the house types proposed for the affordable homes are acceptable in terms of size and accommodation.

The money requested by the Council's Education Service will be for the

It is also of note that the £663,000 towards community sport provision in the area to compensate for the loss of the facilities, will be paid to the Council towards procuring with the Academy Trust at Dinnington High School and Dinnington Town Council, at the Rugby Club the enhancement / upgrading of existing sports facilities, the provision of new sports facilities and securing public access to those facilities.

Therefore, not only is the money going to be paid but there are schemes that subject to relevant planning permissions will provide the local community with new, modern facilities in an easily accessible location. If for any reason the works above are not feasible there is a caveat built into the s106 that requires an alternative scheme(s) as required by the outcomes of the Playing Pitch Strategy within the Dinnington area.

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 57 of the NPPF and the Community Infrastructure Regulations and are therefore considered to be acceptable.

### 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.

An Archaeological Written Scheme of Investigations along with a Trial Trench Report have been submitted in support of the application. South Yorkshire Archaeology Service have assessed the documents and stated that they can confirm there are no archaeological objections to development, and that no further archaeological work is required. Whilst in some circumstances we might apply a suitable condition to ensure that the results of the archaeological work conducted were suitably completed and archived. This will not be necessary in this instance, considering its negative results and reassurances from the archaeological contractor that archiving is in hand.

### **Conclusion**

Having regard to all of the above and the issues raised by the objectors it is considered that the site is allocated for residential purposes in the Council's adopted Local Plan, as such the principle of residential on this site is acceptable. Furthermore, whilst there is a loss of sports facilities on this site, the facilities have not been in use for a number of years and the mitigation set out in the s106 together with the proposals put forward on and off-site will compensate for this loss and will provide the local community with new modern facilities that will be suitably managed and maintained. The mechanisms for obtaining the monies towards the Playing Pitch Strategy and the replacement sport facilities set out in the signed s106 have been agreed with Sport England and as such the development has the support of Sport England.

In addition, the scheme put forward will provide much needed new housing on an allocated housing site close to local facilities and in a sustainable location that would not result in significant impact on the local highway network, air quality or the environment. In fact, it is considered that the scheme put forward with the landscaping, EV charging points and public open space will help in providing an enhancement in terms of biodiversity and sustainable transport methods.

It is therefore, considered that having considered the planning balance the scheme put forward satisfies the requirements set out within both national and local planning policies and guidance, and for the reasons set out in this report the application is recommended for approval subject to conditions and the signing of the s106 legal agreement.

## **Conditions**

### **General**

01

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

Reason

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

02

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

1911-SI-03 – Location Plan  
 1911-SI-01 rev Y – Site Layout Plan  
 1911-SI-04 rev O – Planning Layout  
 1911-SI-05 rev F – Garden Sizes Plan  
 1911-SI-06 – Site Layout with Gateway Feature

1911-HT-DF-01 – Denford (end)  
 1911-HT-DF-02 – Denford (middle)  
 1911-HT-EL-01 – Ellerton (end)  
 1911-HT-EL-02 – Ellerton (middle)  
 1911-HT-MA-01 – Maidstone (end)  
 1911-HT-MA-02 – Maidstone (middle)  
 1911-HT-MO-01 – Moresby  
 1911-HT-MO-02 – Moresby  
 1911-HT-DE-01 – Denby  
 1911-HT-KI-01 – Kingsley  
 1911-HT-WI-01 – Windermere  
 1911-HT-RI-01 – Ripon  
 1911-HT-67-01 – Type 67 (end)  
 1911-HT-67-02 – Type 67 (middle)  
 1911-HT-69-01 – Type 69 (end)  
 1911-HT-69-02 – Type 69 (middle)  
 1911-HT-65-01 – Type 65 (end)  
 1911-HT-65-02 – Type 65 (middle)

1911-GA-01 – Single Garage  
1911-GA-02 – Double Garage

1911-SI-02 1 rev F – Enclosures Plan

3660/6 rev E – Landscapes  
3660/7 rev E – Landscapes  
18915.01 rev C – LEAP Details  
18915.02 rev B – Trim Trail Details

1911-HT-SS-01 – Substation

Reason

To define the permission and for the avoidance of doubt.

03

Prior to construction works commencing above ground level details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to the Local Planning Authority or samples of the materials shall be left on site, and the development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

#### Construction Management Plan

04

The construction phase (including any demolition works) shall be carried out in accordance with the details set out within the Construction & Environment Management Plan, received by the Local Planning Authority on 9<sup>th</sup> September 2022, unless otherwise agreed in writing with the Local Planning Authority

Reason

To safeguard the amenities of the occupiers of nearby properties and promote sustainable development.

#### Highways

05

Construction works shall not be commenced until details of the improvements to Lodge Lane which include the provision of a footway/cycleway, grass verge, gateway scheme, street lighting and highway drainage as indicated in draft form on Drg No 1911-SI-01 Rev X have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is first occupied.

Reason



To ensure there is a safe and appropriate access to and from the site in the interests of highway safety.

06

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

07

Before construction works commence road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

### Drainage

08

Construction works shall not commence until details of the surface water discharge 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 concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the first dwelling.

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.

### Landscapes

09

Landscaping of the site as shown on the approved plan (drawing nos. 3660/6 rev E and 3660/7 rev E) 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.

#### Trees

10

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until the scheme for the protection of existing trees and hedgerows, detailed in the Arboricultural Method Statement, dated 12 August 2022 and Detailed Landscape Proposals 3660/6 Rev E has been installed on site and has been approved in writing by the Local Planning Authority.

All tree protection methods detailed in the Arboricultural Method Statement, dated 12 August 2022 and Detailed Landscape Proposals 3660/6 Rev E 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.

Evidence shall be submitted to the Local Planning Authority show that the development is being carried out in accordance with the approved method statement and tree protection plan. This could include a written record of the project arboriculturist site visits and/or a set of photos of the detailed tree protection fencing in place throughout the duration of the development.

#### 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.

11

The development shall be carried out in accordance with the revised Arboricultural Impact Assessment (AIA), prepared by Rosetta Landscape Design, received 12 August 2022, unless otherwise agreed in writing with 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

12

A suitable scheme of proposed tree planting and pits shall be submitted to and approved by the Local Planning Authority prior to construction works commencing above ground level. The scheme shall include the following comprehensive details of all trees to be planted:

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

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

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

#### Reason

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

#### Green Spaces

13

The Local Equipped Area of Play (LEAP) shown on drawing numbers 1911-SI-01 rev Y; 1911-SI-04 rev O and 18915.01 rev C shall be installed prior to the occupation of the 140<sup>th</sup> dwelling unless otherwise approved in writing by the Local Planning Authority. The equipment shall thereafter be managed and maintained.

#### Reason

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

14

The Trim-Trail equipment shown on drawing numbers 1911-SI-04 rev O and 18915.02 rev B shall be provided before the occupation of the 75<sup>th</sup> dwelling

unless otherwise approved in writing by the Local Planning Authority. The equipment shall thereafter be managed and maintained.

Reason

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

Ecology

15

Prior to development commencing above ground level, a Biodiversity Net Gain Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall set out how the scheme will result in a positive biodiversity net gain and the approved details shall be implemented before the first dwelling is occupied.

Reason

In the interests of biodiversity enhancement.

16

The development shall be carried out in accordance with the mitigation measures set out in Section 4 of the Preliminary Ecological Appraisal prepared by ECUS Environmental Consultants, dated June 2022. Thereafter such measures shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

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

17

Prior to above ground development taking place details of the type and location of bat and bird boxes and location of openings in fences to allow hedgehogs to move through the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with a timeframe to be agreed with the Local Planning Authority and shall thereafter be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of biodiversity enhancement.

18

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

Reason

To minimise light pollution and reduce the impact on bats

Sustainable development/Air Quality

19

Each dwelling shall not be occupied until the charging point shown on Drawing Numbers 1911-SI-04 rev O and 1911-SI-01 rev Y for that property is installed and operational unless otherwise agreed in writing with the Local Planning Authority. The installed EV charging points shall be thereafter maintained and retained.

Reason

In the interests of sustainable development and air quality.

Waste Management Plan

20

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

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

The agreed details shall be implemented and thereafter maintained.

Reason

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

### Communication

21

Prior to works commencing above ground level, 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.

### Land Contamination

22

Elevated levels of arsenic were identified within the made ground and topsoil at the site. These affected soils will need to be placed below areas of hard standing to ensure they do not pose a risk to human health. The approved Remediation works shall be carried out in accordance with the document entitled 'Clean Cover Remedial Strategy - Lodge Lane, Dinnington' – prepared by Sirius Geotechnical Limited, dated 29th July 2022, reference C8167D/AL/9886/Rev.A on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

#### Reason

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

23

In the event that during development works unexpected significant contamination is encountered, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement.

#### Reason

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

24

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

#### Reason

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

25

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

#### Reason

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

### **Informatives**

01

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

02

Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found on

the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

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

03

The applicant is advised that access for fire appliances should be in accordance with Building Regulations Approved Document B volume 1 part B5 section 11.

04

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

05

SY Police Architectural Liaison Officer states that the development should be built to Secured by Design standards. [www.securedbydesign.com](http://www.securedbydesign.com)

06

With regard to condition 21 the attached document would need to be filled in and submitted with any discharge of condition application. The information would be sent to SFSY, again at [hello@superfastsouthyorkshire.co.uk](mailto:hello@superfastsouthyorkshire.co.uk) who will assess the information provided.

07

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

08

With regard to the formulation / implementation of a local employment strategy, advice can be sought from the Academy of Construction Trades on 01709 709525

## 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.