

**PLANNING REGULATORY BOARD**

**Date:- Thursday 21 March 2024      Venue:- Town Hall, The Crofts, Moorgate Street, Rotherham. S60 2TH**

**Time:- 9.00 a.m. for Site Visit  
10.15 a.m. for the meeting**

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

**AGENDA**

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
  
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
  
3. Apologies for absence (substitution)
  
4. Declarations of Interest (Page 5)  
*(A form is attached and spares will be available at the meeting)*
  
5. Minutes of the previous meeting held on 29th February, 2024 (Pages 7 - 9)
  
6. Deferments/Site Visits (information attached) (Pages 11 - 12)
  
7. Site Visit - Erection of 2 dwellinghouses at land at Elm Tree Road Maltby for RMBC (RB2024/0001) (Pages 13 - 33)
  
8. Development Proposals (Pages 35 - 96)
  
9. Updates
  
10. Date of next meeting - Thursday, 11th April, 2024 at 9.00 a.m.

# Planning Regulatory Board

## ‘Public Right To Speak’

### REGISTERING TO SPEAK

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

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

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

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

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

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

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

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

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

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

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

## **YOUR RIGHT TO SPEAK**

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

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

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

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

## **CONDUCT OF COMMITTEE MEETINGS**

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

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

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**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**PLANNING BOARD**

**MEMBERS' DECLARATION OF INTEREST**

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

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

**1. Disclosable Pecuniary**

**2. Personal**

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

*(Please continue overleaf if necessary)*

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

Signed:- .....

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

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**PLANNING BOARD**  
**Thursday 29 February 2024**

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

Apologies for absence:- Apologies were received from Councillors Atkin and Cowen.

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

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

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

**68. MATTERS OF URGENCY**

There were no matters of urgency for consideration.

**69. DECLARATIONS OF INTEREST**

There were no declarations of interest to report.

**70. MINUTES OF THE PREVIOUS MEETING HELD ON 8TH FEBRUARY, 2024**

**Resolved:-** That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 8<sup>th</sup> February, 2024, be approved as a correct record of the meeting.

**71. DEFERMENTS/SITE VISITS**

Consideration was given to any deferments or site visits in relation to items on this agenda.

**Resolved:-** That application RB2024/001 (erection of two dwellinghouses at land at Elm Tree Road, Maltby for RMBC) be deferred and a visit of inspection be arranged, in consultation with the Chair and Vice-Chair of the Planning Board, following a request by a local resident to allow Members to consider concerns and to view these on site before coming to a decision.

**72. DEVELOPMENT PROPOSALS**

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

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

- Erection of industrial unit/offices and car parking at Mtl Advanced Grange Lane Brinsworth for MTL Advanced Limited (RB2023/1471)

Mr. C. Stewart (Applicant)

Mr. R. Smith (Objector)

A statement was also read out on behalf of Mrs. J. Dawson (Objector) who could not attend the meeting.

(2) That application RB2023/1471 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and subject to an amendment to Condition No. 27 to now read:-

27

The construction phase of the development shall be carried out in accordance with the submitted 'Construction Traffic Management Plan' and 'Site Set Up Plan'.

Reason

In the interests of highway safety and residential amenity.

(3) That application RB2024/001 (erection of two dwellinghouses at land at Elm Tree Road, Maltby for RMBC) be deferred and a visit of inspection be arranged, in consultation with the Chair and Vice-Chair of the Planning Board, following a request by a local resident to allow Members to consider concerns and to view these on site before coming to a decision.

73.

## **PLANNING APPEALS AND ENFORCEMENT - 2023 UPDATE**

Consideration was given to a short presentation providing an update on the numbers of appeals granted and refused throughout 2023.

Specific details were provided on the refusal rate and appeal numbers and the performance of appeals submitted.

Additionally enforcement action statistics for 2023 were also shared highlighting the level of support required in this area, which until recently had been limited.

Specific numbers of action taken was also provided along with photographic evidence of examples of where action was recommended and where this had been successful.

It was also noted in response to questions that action timeframes were due to change from four to ten years and that there was no requirement to display a site notice when enforcement action had been recommended.

Members welcomed the data as presented.

**Resolved:-** That the information as presented by received and the contents noted.

**74. UPDATES**

There were no updates to report.

**75. DATE OF NEXT MEETING**

**Resolved:-** That the next meeting of the Planning Board take place on Thursday, 21<sup>st</sup> March, 2024 at Rotherham Town Hall.

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

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

## **SITE VISITS**

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

**ROOTHERHAM METROPOLITAN BOROUGH COUNCIL****PLANNING REGULATORY BOARD****VISIT OF INSPECTION – THURSDAY, 21<sup>ST</sup> MARCH, 2024****Departing from the Town Hall at 9.00 a.m. prompt.****1. RB2024/0001****Erection of two dwellinghouses at land at Elm Tree Road, Maltby for RMBC**

Requested by:- Local Residents

Reason:- To allow Members to consider concerns and to view these on site before coming to a decision.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2024/0001	Elm Tree Road, Maltby	9.20 a.m.	9.45 a.m.

***Return to the Town Hall for meeting to commence at 10.15 a.m.***

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**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE  
21<sup>st</sup> March 2024**

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

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**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE  
21<sup>st</sup> March 2024**

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>	RB2024/0001 <a href="https://rotherham.planportal.co.uk/?id=RB2024/0001">https://rotherham.planportal.co.uk/?id=RB2024/0001</a>
<b>Proposal and Location</b>	Erection of 2 dwellinghouses at land at Elm Tree Road, Maltby
<b>Recommendation</b>	Granted Conditionally

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



### **Site Description & Location**

The site is approximately 0.05ha in size and comprises of brownfield land.

It is a decommissioned garage site and is an infill site in an otherwise linear residential frontage along Elm Tree Road.

Elm Tree Road runs along the south-east of the site, with two-storey residential dwellings to the north-east and south-west. Land associated with Maltby Redwood Academy is located to the north-west of the site. The site has a flat topography.

### **Background**

There have been a number of previous planning applications submitted relating to this site but none since 1973.

### Community Infrastructure Levy

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

### **Proposal**

The proposals comprise of 2 three bedrooomed, two-storey semi-detached dwellings.

The dwellings are set on the same front building line as those adjacent due to the requirement of the easement along the frontage of the proposals for the underground drain that runs here.

The building is of a pitched roof design, with habitable room window openings in the front and rear elevations and a secondary access door in the side elevation. The entrance door on the front elevation would be recessed with a covered canopy feature over.

The scheme will include materials which reflect the surrounding area.

4 car parking spaces are proposed across the site on the frontage of the site, with each property having 2 spaces each which run down the side of the property with a central pathway and grassed areas between.

Each property would have a private rear garden with additional grassed areas to the front.

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

### Transport Technical Note

The Note provides details on the site proposals, the parking provision for each dwelling, public transport opportunities and cycle / pedestrian routes close to the site and further afield.

It concludes that on the proposed site, there are a suitable number of parking spaces proposed in line with the standards and green space at the rear of the dwellings. There is also cycle routes, suitable footways and a large number of local amenities a short distance from the site to visit or employment opportunities.

### Preliminary Geo-Environmental Risk Assessment

The assessment provides details on the site, its environmental setting, potential for contamination and development considerations and is a desk-based study.

It recommends that an intrusive Site investigation is undertaken to assess the potential for contamination and ground gases to impact on the proposed development. The investigation will also refine the Site-specific ground model and groundwater regime and enable an assessment of foundation and engineering solutions to be made.

## Sustainability Statement

This statement contains a holistic approach to maximising positive sustainability impacts and minimising the ecological footprint of the project.

The scope of this Sustainability Planning Statement relates to RIBA Stage 3 activities only. Therefore, this statement contains an overview of the proposed measures against Rotherham's sustainability planning requirements. Further action will be required beyond the scope of this statement to monitor the progress of each sustainability initiative.

The statement provides details on planning policy, as well as details on proposed sustainability measures in the development.

## **Development Plan Allocation and Policy**

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

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

Local Plan policy(s):

### *Core Strategy Policies*

CS6 'Meeting the Housing Requirement'  
CS7 'Housing Mix and Affordability'  
CS14 'Accessible Places and Managing Demand for Travel'  
CS19 'Green Infrastructure'  
CS20 'Biodiversity and Geodiversity'  
CS21 'Landscapes'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
CS30 'Low Carbon and Renewable energy generation'  
CS33 'Presumption in Favour of Sustainable Development'

### *Sites and Policies Document Policies*

SP26 'Sustainable Transport for Development'  
SP52 'Pollution Control'  
SP55 'Design Principles'  
SP64 'Access to Community Facilities'

## **Other Material Considerations**

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

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

National Planning Practice Guidance (NPPG)

South Yorkshire Residential Design Guide

National Internal Space Standards

Supplementary Planning Document

- Air Quality and Emissions
- Affordable Housing
- Transport Assessments, Travel Plans and Parking Standards

Maltby Neighbourhood Plan

### **Publicity**

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 9 letters of representation have been received from individual addresses and Maltby Town Council. The comments raised are summarised below:

- There is currently a severe parking situation in this area causing a hazard to pedestrians.
- The parking situation in this area means that at school drop-off / pick-up I cannot get off my driveway.
- With there being Redwood school close by this site is vital for a lot a parents in the area come school time and also much needed for the residents to reduce the congestion on the already busy roads.
- There will be an increase of cars on the streets due to it being closed. This has personally caused damage to my own vehicle and damage to my property which is still yet to be repaired.
- Also with 98% of the properties on the road being privately owned it doesn't make sense to build two newbuilds in the middle which will be social housing and also look out of place.
- The hedgerows in the place which provides a place for local wildlife to thrive with there being endangered bats in the area which could potentially use these I can't see how you could not disturb them during the builds.
- With all the current housing estates being built in Maltby and no extra doctors dentist appointments being available this is another key feature to be thought about there's only so much strain the local facility's can take before breaking point.
- The plans are for 3 bed houses with 1 car drives most families have multiple cars meaning they'll be parked on the road making it even more difficult for the residents to access their own drives which they've had to pay to be installed.
- All the surrounding houses will lose their privacy they have in their gardens and homes which is just make the local community attacked and vulnerable being some elderly residents.
- There has been flooding problems in the area due to drainage issues and the building work would make this worse if not resolved prior to any proposed building work taking place.

- On my deeds were allocated at car parking space when these houses were built in 1972 everyone on the left side of elm tree Road was allocated a space we still need it as a car park.
- Our drive is constantly block by parents picking up children from the school.
- I cannot maintain my garage and shed which sit on the boundary.
- The car park has a practical use in the area, there is no need to build two properties on it.
- The area would better be served as an overflow parking area for residents and visitors.

Maltby Town Council have objected to the proposed dwellings due to the lack of infrastructure in Maltby to support the project.

7 Right to Speak requests have been received from local residents, the Town Council and the applicant.

### **Consultations**

RMBC Transportation Infrastructure Service: No objections subject to conditions.

RMBC Ecology: No objections.

RMBC Land Contamination: No objections subject to conditions.

RMBC Drainage: No objections.

Sheffield Area Geology Trust (SAGT): No objections.

SuperFast South Yorkshire Broadband: 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
- © any other material considerations. – S. 70 (2) TCPA '90.

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

The main considerations in the determination of the application are:

- Principle
- Design considerations (including size, scale, form, design and appearance)
- General Amenity
- Impact on existing residents
- Highway impact
- Air Quality and Emissions
- Ecology

- Land Contamination
- Other issues raised by objectors

### Principle

The site is allocated in the adopted Rotherham Sites and Policies Document for residential purposes and the site is an existing area of hardstanding. Accordingly, the site is a brownfield site, and the principle of residential development is acceptable from a land use perspective subject to the developments satisfying other relevant material planning considerations.

The proposal will provide 2 affordable dwellings which will be added to the Council's Housing Stock, this scheme will therefore assist in the Council's objective of adding 1000 new homes to the Council's Housing Stock by 2026.

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.*"

In addition to the above it is noted that policy M4 'Affordable Housing' of the Maltby Neighbourhood Plan states: "*Housing development proposals should comply with, and wherever possible exceed, Rotherham MBC requirements with regard to the provision of affordable housing. Affordable homes should be made available at social rent levels or for affordable home ownership to assist those people wishing to purchase a home. The provision of smaller homes (3 bedrooms or less) and types that are suited to the needs of young people, young families, older people or those with a disability will be supported across all affordable housing tenures and types. The needs of local people should be prioritised.*"

The proposals for 2 affordable dwellings exceed the requirements of the Council insofar as affordable dwellings are only required for schemes of 10 or more or where the site exceeds 1ha. Therefore, if a private developer were to develop this site there would be no requirement for them to provide affordable dwellings. In addition, the size of the dwellings as three-bed also meets the needs set out in the Neighbourhood Plan.

### Design considerations (including size, scale, form, design and appearance)

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

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

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

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

Paragraph 131 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 139 states "*Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

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

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

The South Yorkshire Residential Design 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 building hereby proposed which will house the two new homes has been sympathetically sited. The building would have the same building line at the front as the existing buildings either side and the height of the building has been designed to reflect the difference in levels between the property to the left and right of the application site.

Whilst the design of the dwellings is different to that of the existing neighbouring properties, they do incorporate some design elements and would be constructed of similar materials to ensure that they amalgamate into the fabric of the streetscene.

It is therefore considered that the design of the properties are acceptable and raise no design issues. In addition, the size, scale, form and proposed materials will ensure the development would not be at odds with the character of the immediate surrounding area and would not introduce an incongruous feature.

Having regard to all of the above, it is considered that the layout and design of the proposed development achieves an efficient use of this brown field site whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and would not have an adverse impact on the character of the immediate surrounding area from a visual design aspect. In addition, the proposed materials would be sympathetic to the area which has a mix palette of materials. Moreover, the dwellings in terms of size, scale, form and design would be acceptable.

Further to the above, Policy M1 'Promoting Good Quality and Distinctive Design' of the Maltby Neighbourhood Plan states: "*Development should enhance and conserve local distinctiveness by demonstrating high quality design that both respects the existing character and responds to the distinctive character of Maltby. Proposals should demonstrate regard to Local Plan Policy SP55, and respond positively to, the design principles of the Maltby Design Code. Proposals should also demonstrate how they have been informed by the general principles and concepts of the Maltby Masterplan.*"

The Design Guide is not relevant for this site, but the proposals are considered to enhance the site and are of a high quality design that respects the existing character of the area.

#### General Amenity

Paragraph 136(f) of the NPPF states planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

There is the potential for disturbance to the occupiers of nearby residential premises as a result of noise and dust nuisance from the proposed demolition and construction phases.

Therefore, in light of the above conditions shall be imposed in respect of construction working hours and construction practices to help minimise impact over the construction phase.

#### Impact on existing and future residents

The South Yorkshire Residential Design Guide sets out appropriate spacing distances between properties. The SYRDG states that there should be a minimum of 21m between principal elevations or elevations with habitable room windows; and that an elevation with a habitable room window should be a minimum of 10m from a boundary with another property.

In this instance there are no properties to the rear, as the school car park and the wider school site is located to the rear of the site. Therefore, there is no requirement to meet the 21m or 10m distances set out above as they relate to distances between dwellings and private rear gardens.

It is of note that in this instance the rear of the dwellings would be approximately 8.5m to the rear boundary with the school car park, which is less than 10m but the other properties on this side of Elm Tree Road also do not meet the distance requirement but are closer to the 10m than the proposed. Notwithstanding as there are no properties to the rear the reduced distance is considered acceptable in this instance and would not result in any overlooking or privacy issues to existing residential properties.

In addition, to the above each property would be provided with more than the minimum 60sq.m private garden and each of the houses meet the minimum internal space standards set out in the national guidance.

Accordingly, by virtue of the distance between properties, proposed boundary treatments, land levels and orientation of the site there would be no overlooking or privacy issues between new properties and there would be no detrimental overshadowing of habitable room windows or proposed private rear amenity spaces.

Having regard to the above it is considered that the proposed development would not adversely affect the amenity of existing neighbouring residential properties or the amenity of future residents of the proposed development. Accordingly, the scheme would comply with paragraph 136(f) of the NPPF, Local Plan policies CS27 'Community Health and Safety', SP52 'Pollution Control' and the South Yorkshire Residential Design Guide.

An objection has been received regarding privacy issues and overlooking of gardens and homes. However, as set out above there are no properties to the rear to overlook and there are no windows in the side elevation of the dwellings hereby proposed, therefore there is no overlooking or privacy issues relating to the properties either side.

A resident has raised concerns about the maintenance of their garage which abuts the site should the scheme come forward. Whilst noted this is not a material planning consideration and would be for the landowner to grant them access.

Therefore, for the reasons set out above the application would not give rise to any amenity issues to existing residents and future residents will be provided with sufficient internal and external space.

#### Highway impact

Paragraph 113 of the NPPF states: "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"

CS14 'Accessible Places and Managing Demand for Travel' states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, locating new development in highly accessible locations such as town and

district centres or on key bus corridors which are well served by a variety of modes of travel.

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

Policies CS14 and SP26 are supported by paragraphs 114 and 116 of the NPPF.

The Council's Transportation Infrastructure Service have confirmed that the provision of 2 car parking spaces for each of the 3 bed dwellings is in accordance with the Council's current parking standards. Therefore, the proposal should not be refused on highway grounds as the proposal would not result in an unacceptable impact on highway safety or a serve impact on the road network.

A number of the issues raised by objectors relates to current highway matters.

There have been concerns raised in respect of the neighbouring roads being used by parents for dropping off and picking up, block driveways; and that the land is vital for parents when dropping off and picking up and would be better to be used as an overflow for the school.

It is considered that whilst the comments above are noted, the land has always been in the Council's ownership and has never been a public car park in the past. People did park vehicles on the land in the past, but they had not received authorisation from the landowner to do so. Furthermore, the land for the last year or so has been fenced off and used as a site compound while work is being carried out in the area.

A further complaint has been made that a resident was allocated a parking space in the land on their deeds. The applicant has confirmed that following the closure of the garage, unauthorised parking by neighbouring properties took place on this site. The Council as landowner has never agreed to the site be used as additional parking and therefore the parking was unauthorised.

It is therefore considered that whilst the comments made are noted, the issues raised would not outweigh the fact that the dwellings hereby proposed each have sufficient incutilage parking in line with the adopted SPD 'Transport Assessments, Travel Plans and Parking Standards', and the issues raised regarding parents parking indiscriminately in the area at drop-off and pick-up times is not a material planning consideration for this application.

Accordingly, a refusal on highway grounds cannot be justified in this instance.

#### Air Quality and Emissions

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

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

The SPD notes that there should be 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per space (unallocated parking). Accordingly, details of the type and location of EV Charging Points will be required. This information can either be submitted with the application or can form part of a condition attached to any approval.

A plan has been provided which shows each property would be provided with an EV charging point and this will be conditioned. Therefore, subject to the condition the proposal would satisfy the requirements set out above.

#### Ecology and Biodiversity Net Gain (BNG)

With regard to Ecology and BNG it is noted that as the site consists of entirely hardstanding, the Council's Ecologist has confirmed that there are no ecological issues with the site being developed and given it is entirely hardstanding currently, it is exempt from BNG requirements.

Notwithstanding the above, the introduction of garden areas would result in some enhancement.

It is noted that a local resident has raised concerns about a hedgerow which provides a place for local wildlife, which could be endangered by the development. However, the hedgerow falls outside of the application site and is sited on the adjacent school site, therefore the development would not impact on the hedgerow. Notwithstanding, the Council's standard informative regarding ecological matters will be appended to any decision.

Therefore, having regard to the above the application would raise no ecological issues and is exempt from BNG requirements.

#### Drainage

The site sits within Flood Zone 1, so it is at low risk of flooding.

With regard to the development itself the dwellings will be connecting to the existing drainage system which has capacity and is shown on the submitted drainage strategy. Given the size of the development this matter will be dealt with in more detail at Building Regulations stage. Furthermore, the hardstanding areas will be of a permeable material and the addition of the grassed areas to the front and rear of the properties will be a welcome addition that will help with surface water run-off given the existing site is entirely hardstanding.

It is therefore considered that whilst comments have been raised by residents about existing flooding problems in the area, the building on this existing hardstanding would not add to this problem, but would likely help reduce the issue due to the permeable paving on the driveways and the grassed garden areas acting as natural soakaways for surface run-off, which is not the case currently given the hardstanding nature of the site and the lack of any permeability currently on site.

### Land Contamination

Historically, the land was in use as open field/agricultural land prior to being redeveloped into a small car park for the nearby residents.

It is considered likely that shallow made ground could be present across the site which may have been used to level the site in the past, which has the potential to be affected by contamination. Such contaminants may include metals, petroleum hydrocarbons, polyaromatic hydrocarbons and asbestos containing materials.

An historical landfill site has been identified within 130m north-west of the application site. This landfill is still an active gassing landfill site, with a ground gas combustion system still in operation.

The Phase I Report has identified low to moderate risks associated with potential land contamination and other related sources/hazards at the site.

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

Potential geo-hazards have also been identified associated with shallow clay deposits at the site, due to the effects of frost heave and shrink and swell associated with the trees.

Based on the above it is considered that a Phase II Intrusive Site Investigation be undertaken to determine the extent and properties of the clay deposits to allow for foundation design to be determined and to assess for any contamination which may exist within the surface soils at the site. It is unlikely that landfill gas will be impacting upon the proposed development site, however it would be prudent to undertake a programme of gas monitoring to confirm the risk to future receptors is low.

Remediation works may be required to bring the site to a suitable condition to be protective of human health for its proposed residential end use.

### Other responses to objectors.

Whilst the majority of the concerns raised by local residents have been considered and assessed above, one comment raised related to the impact of the development on services in the area, particular doctors and dentists. The comment is noted, but this development for two dwellings is unlikely to have any impact on services in the area. Furthermore, as the dwellings are to be added to the Council housing stock it is likely that the future occupants would already be registered at a doctors / dentist in the borough.

### **Conclusion**

It is concluded that notwithstanding the objections received, the application represents an acceptable form of development on a brownfield allocated residential and is of an appropriate design that would not adversely affect the character or appearance of the locality. Furthermore, subject to conditions, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or drainage, ecological or environmental issues. The application would comply with the

relevant national and local planning policies and guidance, as well as policies set out in the Maltby Neighbourhood Plan and is therefore recommended for approval subject to conditions.

## **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 location plan and the development shall only take place in accordance with the submitted details and specifications and as shown on the approved plans;

3572\_01 RCA 30 XX DR A 0901 – Location Plan

3572\_01 RCA 30 DR XX A 0906 P2 – Site Plan

3572\_01 RCA 30 DR XX A 0905 P2 – Elevations

3572\_01 RCA 00 DR XX A 0202 P01– House Type Plan

3572-01-RCA-30-XX-DR-A-0905 P02 - Streetscene

3572\_01-PEV-30-00-DR-E-6000 P02 – EV Charging Plan

3572\_01-PEV-30-XX-DR-C-0512 P02 – Proposed Drainage Masterplan

Reason

To define the permission and for the avoidance of doubt.

03

Prior to 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

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

04

Prior to construction works commencing above ground level a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. The approved boundary treatment shall be completed before each dwelling is first occupied.

Reason

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

## **Construction Practices**

05

Except in case of emergency, no operations shall take place on site other than between the hours of 0800 to 1800 hours Monday to Friday and between 0900 to 1300 hours on Saturdays. There shall be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason

In the interests of highway safety and residential amenity.

06

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'

Reason

In the interests of highway safety and residential amenity.

07

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

Reason

In the interests of highway safety and residential amenity.

08

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

Reason

In the interests of highway safety and residential amenity.

### Highways

09

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

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

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

**Reason**

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

**Air Quality and Emissions**

10

The electric vehicle charging points as shown on plan 3572\_01-PEV-30-00-DR-E-6000 P02 shall be provided prior to each dwelling being occupied and shall thereafter be maintained and retained.

**Reason**

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

**Land Contamination**

11

Prior to above ground works commencing, a Phase II Intrusive Site Investigation should be undertaken to assess potential geotechnical issues and the geo-environmental conditions at the site to confirm the nature, presence and extent of potential contamination across the site and the risk it presents to human health. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The above works shall be conducted in line with guidance document 'Land Contamination Risk Management' (October 2020) and predecessor guidance 'Model Procedures for the Management of Land Contamination, CLR 11 (Environment Agency, 2004) and BS10175:2011+A2 2017 (BSI, 2017)

**Reason**

To ensure the safe occupation of the site.

12

Prior to above ground works commencing and subject to the findings of condition 11 above, a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation works commencing on site. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

To ensure the safe occupation of the site.

13

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

Reason

To ensure the safe occupation of the site.

14

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

Reason

To ensure the safe occupation of the site.

15

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 the safe occupation of the site.

Affordable Housing

16

The development shall provide 100% affordable housing across the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of securing affordable housing.

Informatics

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

It is recommended that the development is designed and built to Secured by Design [www.securedbydesign.com](http://www.securedbydesign.com)

The following should be considered:

#### Defensible Space

Each dwelling should have a front boundary to a height of 1 metre to allow for visible surveillance into and from the dwellings in question.

#### Boundary Treatment

All rear gardens should be secured with a min 1.8m high fence. A 1.8m lockable gate should be fitted as close the front boundary line as possible to secure the rear of the dwellings.

#### Surveillance

Any landscaping and front boundaries should be kept low at no more than 1 metre high and any trees to have no foliage below 2m to aid natural surveillance. Positioning of trees should be careful not to mask any Lighting Column's.

#### Lighting

All external paths and car parking areas should be well lit with an LED lighting scheme to standard BS5489 with no dark areas. All front and rear doors should be lit with a wall mounted luminaire to provide lighting in line with standard BS5489 which should operate on a dusk to dawn sensor and spread the light downward.

#### Security of Dwellings

In line with SBD standards, all front / rear doors and ground floor windows should comply with PAS 24:2022.

03

Measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved should be carried out, please see attached Informative Note in this respect.

04

The existing vehicle access is to be removed, the footway reinstated, and two new vehicle accesses provided. This will require the applicant to enter into a Memorandum of Understanding with the Council's Highways Development Management Service and they should be requested to contact my colleague [david.phillips@rotherham.gov.uk](mailto:david.phillips@rotherham.gov.uk).

05

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.

#### 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.

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**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THE 21<sup>st</sup> March 2024**

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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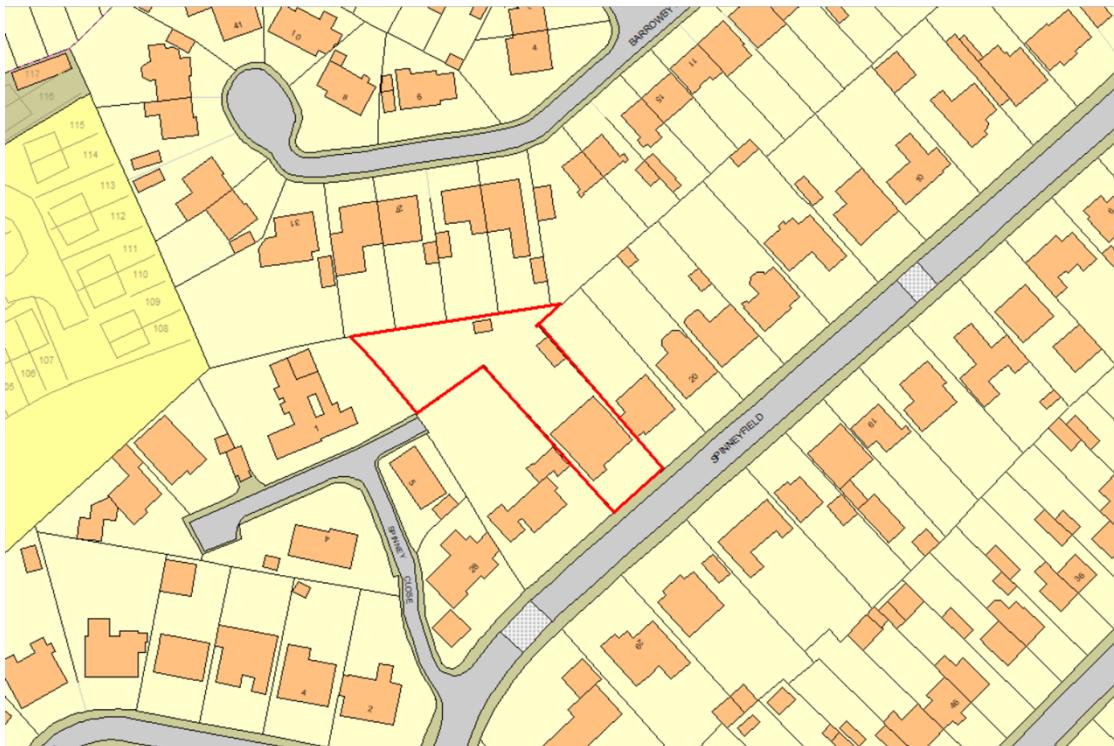
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**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE 21st March 2024**

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>RB2023-0927 <a href="https://rotherham.planportal.co.uk/?id=RB2023/0927">https://rotherham.planportal.co.uk/?id=RB2023/0927</a></b>
<b>Proposal and Location</b>	<b>Proposed external ramps to front and rear of property, 24 Spinneyfield, Moorgate</b>
<b>Recommendation</b>	<b>Grant Conditionally</b>

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



**Site Description & Location**

The applicant is 24 Spinneyfield a bungalow with a hipped roof and single storey flat roof extension to the rear. It's generally of brick construction and clay roof tiles. Parking for some 5 cars is provided to the front.

Spinneyfield is a typical suburban inter war street defined by a mixture of detached bungalows and two storey red brick dwellings, with large residential gardens.

## Background

RB2022/1550 - External access ramps to front & rear and demolition of garage and erection of detached outbuilding to rear to provide ancillary living accommodation - WITHDRAWN

## Proposal

The applicant seeks retrospective permission for disabled access ramps to the front and rear. The ramps provide access for the residents to the front drive and the rear garden. The ramps are constructed in concrete with metal handrails painted black. The maximum height of the ramps both front and rear are 450mm.

This application relates only to the external ramps and does not concern the use of the property. It is understood that the property is used for supported living which is not considered to represent a change of use of the property and falls within Use Class C3b.

The applicant has submitted a supporting statement regarding what use class the use falls into. This has been submitted by the applicant due to the number of objectors raising concerns about a change of use. The contents are paraphrased below:

- 24 Spinneyfield provides a type of supported living accommodation that falls squarely within Use Class C3(b) - up to 6 people living together as a single household and receiving care. It meets the definition of "specialised supported housing" in government guidance. The residents have disabilities but are living together, interacting, and working towards goals to enhance their independence over time.
- The letter analyses planning case law, arguing that previous judgments support the view that Use Class C3(b) can cover accommodation even with full-time care, provided the residents live together as a household. The number of residents, nature of disabilities, and whether carers live on-site are not definitive. At 24 Spinneyfield the residents interact, dine together, hold tenancies for the property and live with independence.
- The submission includes a recent appeal decision allowing Use Class C3(b) for a property with 2 men with additional needs and rotational care workers. This has clear parallels with 24 Spinneyfield.
- The current use given the occupancy as set out by the applicant, at 24 Spinneyfield falls within Use Class C3(b) based on legislation, case law and appeal precedent.
- This application therefore relates only to the provision of ramps to the front and rear of the property.

## **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 purposes in the Local Plan, (For the purposes of determining this application the following policies are considered to be of relevance:

CS27 Community Health and Safety

CS28 Sustainable Design

SP11 Development in residential Areas

SP55 Design Principles

## **Other Material Considerations**

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

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

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

Rotherham Adopted SPDs:

Supplementary Planning Document (SPD) – Householder Design Guide

## **Publicity**

The application has been advertised by way of site notices along with individual neighbour notification letters to adjacent properties. 15 letters of objection have been received stating that:

- No wheelchairs residents have used the ramps
- The ramps have been erected without planning permission
- The Property is being used as a care facility/business contrary to restrictive covenants on the property.
- The ramps are an eyesore and lower the tone of the neighbourhood

- The property is run as 24/7 care business to the detriment of the amenity of neighbours.
- The residents are causing nuisance by improperly using neighbour's bins, throwing items and trespassing onto front gardens.

A petition from local residents raising the objections referred to above has been submitted and signed by 30 residents.

The objectors have sought independent Town Planning advice from a consultant which states that:

- Firstly, it is critical to state that we do not object in principle to the care home nor the client user base, as we fully welcome the residents into our community.
- Classification Dispute: The operation is argued to be a C2 Class (Residential Institutions) instead of C3(b) Class (Dwellinghouses with care), requiring a full application for this change of use.
- Lack of Management Statement: Concerns about the absence of a management statement detailing the number of service users, whether the company is Ofsted registered, staff coverage, shift patterns, visitor monitoring, and safety measures.
- Use Class Appropriateness: It is contended that the submitted documents do not support the application's classification as C3(b) due to the level of care, staff presence, and operational practices observed.
- Incidents Indicative of C2 Use: Reported incidents suggesting the care level and operational dynamics align more closely with a C2 use class.
- Planning and Regulatory Considerations: Discussion on when planning permission is needed, the criteria for determining a material change of use, and the implications for the site based on observed operations and regulatory standards.
- Call for Transparency: A request for comprehensive management plans from the care home providers to clarify operations, leading to a proper assessment of the use class and consideration of objections.

The applicant and four objectors have requested the right to speak.

### **Consultations**

RMBC – Transportation Infrastructure Service: No objections

### **Appraisal**

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

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

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

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

The main considerations in the determination of the application are:

- Whether a change of use has taken place
- Visual Appearance
- Impact Upon Neighbouring amenity
- Highway Issues
- Other issues raised by objectors

### **Whether a change of use has taken place**

Whilst this application relates to disabled access ramps one of the primary concerns of local residents is that the ramps are part of a change of use to care home which requires planning permission and falls within a C2 use class.

The applicant is of the opinion that the property is being used for Specialised Supported Housing (SSH) accommodation under use Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended). They have also provided evidence of case law to support the case that no change of use has taken place.

The applicant indicates that a maximum number of 4 residents with carers present during the day and as waking night support occupy the property. The property is Supported Living rather than a Care Home, the individuals support packages are agreed between Rotherham Council Social Services and the support provided is tailored to the individuals. The property is commissioned as supported living, with a Housing Partner providing the housing management and the Care Provider providing the care and support. Support includes, but not limited to; financial support, development of independent living skills, support to access the community, some personal care depending on needs, and support with routine health care appointments.

The Council must therefore consider whether the use falls within:

A C2 Residential Institution: Use for the provision of residential accommodation and care to people in need of care, or

Class C3 – Dwellinghouse (b) not more than six residents living together as a single household where care is provided for residents.

Clearly Class C3(b) envisages an element of care can be provided by staff, without a dwelling becoming a care home. Whether the occupants of the property have independence and the ability to form a single household is a matter of judgement which rests upon the specific circumstances of the case.

A judgement needs to consider the nature of the disability and the degree of care needed.

The current occupants of the property have a tenancy agreement with the landlord and form a household together within the dwelling. The occupants are responsible for their cost of living and are entitled to a range of benefits and grants. The purpose of the accommodation is to enable vulnerable adults to lead as normal and as independent a life as possible.

With these circumstances in mind the Council is of the opinion that the use falls within the C3(b) use class and as such does not require planning permission for a change of use.

### **Visual Appearance**

Local Plan policy CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover, it states design should take all opportunities to improve the character and quality of an area and the way it functions.

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

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

It is considered that the installed railings and ramps are appropriate additions to the suburban domestic property and are required to an existing property which does not meet with access requirements. Such an addition is common on domestic properties where wheelchair access is required or where a resident has mobility issues. Indeed, the Council itself has installed similar ramps on many private and Council properties to provide improved access.

The property is set back from the street and the ramps are seen in the context of the property. Many of the neighbouring properties have undergone extensions and there is no uniform design within the street scene. The railings have been painted black which tones down the appearance and the rear access ramp is not readily visible from any public vantage point. Whilst the ramp to the front is relatively large, this is in order to provide a reasonable gradient so that a wheelchair user can control their decent in a controlled manner as the change in levels is some 450mm.

The proposal is therefore an acceptable standard of design in accordance with Policies CS28 'Sustainable Design' and SP55 'Design Principles' and the design aims of the NPPF.

### **Impact Upon Neighbouring amenity**

The NPPF at paragraph 135 states, amongst other things that, development proposals should ensure a high standard of amenity for existing and future users.

The Council's adopted SPD 'Householder Design Guide' at Design Guidance 1.3 states: "Balconies, decking, raised patios, verandahs and windows serving habitable rooms such as kitchens, living rooms and bedrooms should be sited so that they do not directly look into the habitable windows of adjacent houses or their private garden...."

In this instance the ramps are no more than 450mm high at their highest and intended for access only rather than as a patio or veranda feature. Even if a resident was stood on at its highest part, no undue overlooking of neighbours would occur due to the distance to boundaries with other properties. The rear ramp also allows residents access to their garden without the need for assistance.

As such the access ramps are considered acceptable in terms of neighbouring amenity.

### **Highway Issues**

The ramp to the front still allows for cars to park in the front driveway and utilise both highway accesses.

### **Other issues raised by objectors**

A number of objections have been received relating to a restrictive covenant that prevents a business from operating from the property. Obtaining planning permission from the local planning authority does not override or negate restrictive covenants. Even if a landowner obtains planning permission, if they proceed with development that breaches a restrictive covenant, they could be subject to legal action by the beneficiary of the covenant.

The enforcement of restrictive covenants is a private Civil matter and not something that can be considered as part of any Planning Permission and potential Enforcement action.

Finally in terms of the antisocial behaviour issues raised, including throwing projectiles, accessing other front garden and using neighbour's bins, these issues can not be considered as part of this application and in any event are not untypical neighbour disputes.

## Conclusion

The access ramps and railings as installed are an acceptable feature in keeping with the character of the host dwelling and the street scene. Furthermore, the ramps will not harm neighbouring amenity by way of overlooking. As such the scheme accords with Local Plan Policies CS28 'Sustainable Design', SP55 'Design Principles', the Council's SPD 'Householder Design Guide' and the guidance contained within the NPPF.

## Conditions

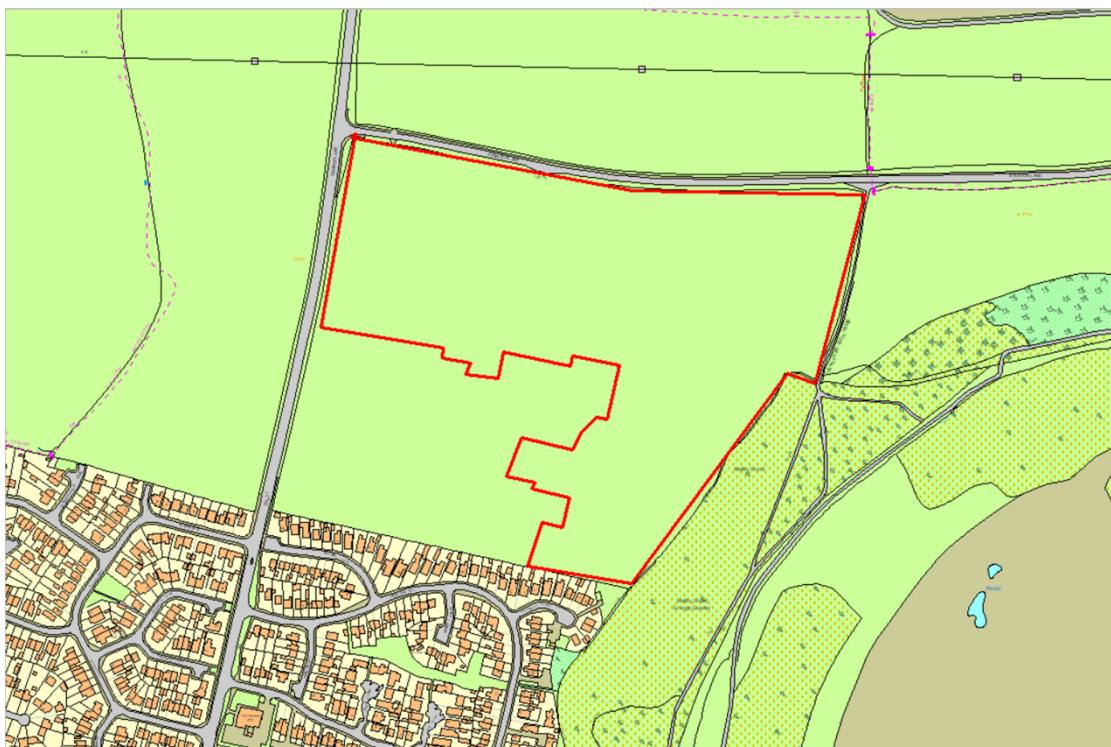
No conditions

## POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	<b>RB2023/1032 <a href="https://rotherham.planportal.co.uk/?id=RB2023/1032">https://rotherham.planportal.co.uk/?id=RB2023/1032</a></b>
<b>Proposal and Location</b>	Reserved matters application for the details of appearance, landscaping, layout, scale and access for 300 dwellinghouses (Phase 2, 3 & 4) following RB2020/1815 to vary condition 2 (approved plans) imposed by RB2016/1492.
<b>Recommendation</b>	<b>Grant subject to conditions</b>

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



#### **Site Description & Location**

The application site is a parcel of agricultural land which is located to the west of Grange Lane, south of Stainton Lane, and to the west of Maltby Wood. Grange Quarter, part of Maltby Commons & Woods, abuts the eastern part of the application site and is Ancient Woodland and an identified Local Wildlife Site.

The site adjoins existing residential properties to the south on Holiwell Close, Malwood Way and Springwell Close. There are agricultural fields beyond the site to the west and north.

The site is approximately 11.3 hectares in area, it is generally flat and has existing hedgerows along the boundaries. The site forms an L shape which surrounds the section to the south west which has already received full permission and development of this section (Phase1) is underway.

Public Footpaths Maltby No.2 and No.18 converge and run along the eastern boundary of the site, which link up to footpaths in the Doncaster Borough to the north and Maltby Woods to the south.

## Background

### Relevant Planning History

RB2016/1492 - Hybrid application for Full Permission for the erection of 100 No. dwellinghouses including access road, landscaping, entrance feature & open space, and temporary pumping station equipment (Phase 1) and Outline Permission for the erection of up to 300 No. dwellinghouses including landscaping & open space incorporating balancing pond facility with all matters reserved (Phases 2, 3 and 4) – granted conditionally on 05-08-2020 with a S106 Legal agreement which secured the following –

- 25% on overall site affordable housing provision
- A contribution towards Bus Stop improvements of £15,000
- Commuted sum of £500 per dwelling towards sustainable transport measures.
- Establishment of a Management Company to manage and maintain the areas of Greenspace, including the proposed LEAP/LAP.
- Education contributions (£2,521 per open market dwelling)
- Contribution towards MOVA system (Microprocessor Optimised Vehicle

Actuation) to control the signals at Queens Crossroads of £75,000

RB2020/1815 - Application to vary condition 2 (approved plans) imposed by RB2016/1492 – granted conditionally 15-02-2020

### 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 as the site is over 5 hectares in size and over 150 dwellings. As such, a screening opinion has been prepared and 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 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 approval of reserved matters for Phases 2, 3 & 4 of the scheme approved under outline permission RB2020/1815 (originally RB2016/1492), and seeks permission for details of the appearance, landscaping, layout, scale and access for the development of 300 dwellings.

The application proposes a mix house types - 2, 3, 4 and 5 bedroom properties in the form of terraced, semi-detached and detached dwellings. This comprises of:

38 x 2 bed  
135 x 3 bed  
115 x 4 bed  
12 x 5 bed

Of these dwellings 95 will be for affordable which equates to a provision of 31.6% on site which is broken down as follows:

38 x 2 bed  
47 x 3 bed  
10 x 4 bed

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

#### Design and Access Statement

The document provides details on the site and the proposed development, including matters such as the layout, scale, landscaping, appearance, access and parking. It concludes that the proposal is in accordance with relevant national and local planning policies and design best practice in relation to planning applications.

#### Flood Risk Assessment

This states that a Flood Risk Assessment notes that Paper Mill Dyke (open watercourse) is located to the west of the development and Ruddle Dyke (open watercourse) is located 1.2km to the east. There is an existing 900mm diameter surface water sewer and 225mm diameter foul water sewer located south of Phase 1 in Grange Lane and existing foul and surface water sewers in the existing residential development to the south. There is an existing foul water rising main on the eastern boundary of Phase 4, discharging to a 150mm diameter sewer crossing the corner of the site. There is a second rising main in the southern boundary of Phases 1 and 4 discharging to the sewer network in Grange Lane.

Phase 1 has an approved foul and surface water sewer system, which is to be adopted by Severn Trent under a S104 agreement.

Environment Agency Flood Mapping confirms the Phases 2-4 are located in Flood Zone 1, with low to high risk of surface water/pluvial flooding. The

surface water flood risk will be mitigated in the levels strategy for the proposed development (site reprofiling) together with the construction of new adoptable drainage systems. The following standard mitigation measures are recommended: Finished floor levels for all new build properties are to be set minimum 150mm above external levels to mitigate any risk from blockage and exceedance events; Drainage design blockage/exceedance events have been considered, ensuring the proposed development and surrounding areas are not put at risk from overland flows.

Surface water from Phases 2-4 is to discharge to Paper Mill Dyke via the surface water sewer system constructed as part of Phase 1. The flows will be restricted to an existing greenfield run-off rate. Surface water to be design with no external flooding for the 1 in 30 year event and all flows retained on site for up to the 1 in 100 year event plus climate change event (climate change 45%). It is proposed to discharge foul water flows to the Phase 1 foul water rising main via the phase 2 pumping station (temporary Phase 1 pumping station is therefore to be decommissioned upon connection). The Phase 1 rising main discharges to the existing 225mm diameter foul water sewer in Grange Lane

#### Biodiversity Survey

This lays out the requirement for further surveys to be undertaken, and also the requirement for a hedgehog house and hedgehog highways, bird boxes to be incorporated into the walls of 10% of the dwellings, bat habitats to be incorporated into the walls of 10% of the dwellings.

#### Archaeological Evaluation

This outlines the works that have taken place at the site and concludes that there is a very low intensity of occupation and land use over the development site, and the evaluation confirmed that the bank areas within the field are blank and are unlikely to yield any meaningful additional results with additional fieldwork.

#### Noise Assessment

The assessment, which concludes that whilst all the facades would fall below the allowed noise limits, however alternative ventilation is recommended in the form of acoustically rated trickle vents.

### **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.

#### Local Plan Policies

CS1 Delivering Rotherham's Spatial Strategy

CS3 Location of New Development

CS6 Meeting the Housing Requirement

CS7 Housing Mix and Affordability

CS14 Accessible places and Managing Demand for Travel  
CS19 Green Infrastructure  
CS20 Biodiversity and Geodiversity  
CS21 Landscapes  
CS22 Green Space  
CS24 Conserving and Enhancing the Water Environment  
CS25 Dealing with Flood Risk  
CS27 Community Health and Safety  
CS28 Sustainable Design  
CS33 Presumption in favour of Sustainable Development  
SP26 Sustainable Transport for Development  
SP32 Green Infrastructure and Landscape  
SP33 Conserving the Natural Environment  
SP37 New and Improvements to Existing Green Space  
SP47 Understanding and Managing Flood Risk and Drainage  
SP52 Pollution Control  
SP55 Design Principles  
SP56 Car Parking Layout

### **Other Material Considerations**

National Planning Policy Framework: The revised NPPF sets out the Government's planning policies for England and how these should be applied. It states that Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise and that it is a material consideration in planning decisions

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

National Planning Practice Guidance (NPPG)

National Design Guide

South Yorkshire Residential Design Guide

RMBC Adopted Supplementary Planning Documents:

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

### **Publicity**

The application has been advertised by way of press notice, 3 site notices were erected on site and the occupiers of 39 nearby properties were consulted by individual neighbour notification letters. Representations have

been received from 20 residential properties, Braithwell and Mickelbring Parish Council, Stainton Parish Council and Cllr Tinsley. Their comments are summarised as below –

- Traffic is already horrendous on local roads, Grange Lane and through Braithwell
- Increased pollution in an already deprived area
- Not enough resourced in Maltby to need the needs of the houses – eg high street, schools, GP Surgery
- There are already enough houses in Maltby and other significant developments taking place locally – is it needed? There are already plenty of houses for sale in Maltby, and many more in Rotherham and Waverley
- Green open spaces should be retained for recreation for existing residents, the green belt land should not be lost. Where are the exceptional circumstances? Browfield sites should be considered first.
- Can the sewerage system cope?
- The money should be used to create jobs for younger people
- The development will contribute to current flooding issues in the area.
- RMBC have recently objected to a development in Braithwell due to Traffic but are more than happy to approve this – isn't this double standards?

Cllr Tinsley –

- Increase pressure on Maltbys infrastructure
- Impact on traffic at Queens Corner, and not convinced that the planned traffic light upgrade will solve the problem.
- There are already difficulties accessing medical services in Maltby, doctors and dentists, we should strive for better care that shouldn't be made worse by new developments.
- Planning Board Members should vote to stand up for the NHS and decline planning permission.
- What is affordable housing? Its clear that there are no further details of what this is in this application. I cannot see anyone from Maltby being able to afford to move into this area, so it isn't helping Maltby residents.
- Appalled at a poor attempt of a public park for 300 houses, a slide and two other items – really?

Braithwell and Micklebring Parish Council –

- Maltbys infrastructure for medical care is not fit for purpose, compounded by the closure of the Queens Medical Centre in 2022, with no replacement provision. The new residents may register in Braithwell and affect the level of care received by our residents.
- Catastrophic negative impact on roads in the parish.

Stainton Parish Councils-

- Reiterates the above issue regarding Medical Infrastructure and how this could impact Tickhill residents, further medical provision for medical centres in Maltby is essential if this development goes forward.

Doncaster City Councillor for the Tickhill and Wadsworth Ward, Martin Greenland has requested the Right to Speak at the Planning Board Meeting.

The applicant has not requested the Right TO Speak but will be at Planning Board should he be required to respond to any queries raised.

**Consultations**

RMBC – Transportation Infrastructure Service: No objections

RMBC – Affordable Housing Officer: No objections

RMBC – Landscapes: No objections subject to conditions

RMBC – Drainage: No objections subject to conditions

RMBC – Environmental Health: No objections subject to conditions

RMBC – Land Contamination: No objections

RMBC – Education: No comments

RMBC – Green Spaces: No comments

RMBC – Air Quality: No objections subject to the EV Charging details being implemented in accordance with the submitted plan.

RMBC – Ecologist: No objections

RMBC – Public Right of Way: No objections

South Yorkshire Combined Mayoral Authority (formerly South Yorkshire Passenger Transport Service): No comments

Active Travel England: No objections to the amended scheme.

The Environment Agency: No objections

Severn Trent Water: No comments received

South Yorkshire Archaeology Service:

South Yorkshire Police Architectural Liaison: No objections

NHS Rotherham CCG: Make no comments on the appearance, landscaping, layout, scale and access of the 300 homes, but would wish to highlight that since the closure of Queens Medical Centre in Maltby in 2022, services in this part of town have been extremely pressured and additional patient numbers without increased primary care provision will exacerbate that problem.

South Yorkshire Fire and Rescue: No objections subject to informatives

## Appraisal

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

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

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

The site has planning permission for residential development for 400 homes as part of a wider hybrid planning permission that was originally approved in August 2020 under outline application RB2016/1492. It granted planning permission for 100 homes in full and 300 homes in outline. An application to vary the plans was approved in February 2021 RB2020/1815.

The principle of residential development has therefore been established and is considered to be acceptable.

A reserved matters application as stated in the National Planning Practice Guidance 'Making an application' relates to those aspects of a proposed development which an applicant can chose not to submit details of with an outline planning application (i.e. reserved for later determination). These are defined in article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

- Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed within the development in relation to its surroundings.

From a land use perspective, the development of the site for Residential Use is acceptable. Accordingly, the principle of this development cannot be revisited during the determination of this reserved matters application.

The main considerations in the determination of the application are:

- Layout, Scale and Appearance
- Framework and Principles Document and Design Code
- Highway Safety and Transportation Issues
- Impact on existing and future occupiers' amenity
- Flood Risk and drainage
- Landscaping, Green Infrastructure Provision and Ecology
- General Amenity – noise, contaminated land and air quality
- Affordable Housing
- Other issues Raised by Objectors
- Planning Obligations

#### Layout, Scale and Appearance

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

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

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

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

The NPPF at paragraph 131 states: *Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.* Paragraph 139 adds: *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.*

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

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

The application site forms Phases 2, 3 and 4 of the wider development and is located to the north and east of Phase 1 which is currently under construction. The site is also located to the north of existing, occupied properties on Springwell Close and Malwood Way.

The proposal is for the development of Phases 2, 3 and 4 of the site with the provision of 300 dwellings in the form of two 2, 3, 4 and 5 bedroom homes provided in the form of terrace, semi detached and detached dwellings.

The layout of the proposed development has been amended through the application process at the request of the LPA, to ensure that the development is in accordance with the masterplan features approved at the outline stage of the development. It provides a second access from the site onto Stainton Lane to the North, as well as being accessed via the exiting access off Grange Lane. The development takes account of the buffers to be provided to the north and east of the site and the drainage basin which is to be located in the north eastern corner of the site.

The design, appearance and scale of the development is in keeping with the dwellings approved in Phase 1 of the development, with materials, design features to continue through the site. All the dwellings are proposed to be 2 storey.

Having regard to all of the above, it is considered that the layout and design of the proposed development offers is acceptable. 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 that respects the existing built form and the prominent lakeside location.

#### Highway Safety and Transportation Issues

Paragraph 115 of the NPPF states: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

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

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

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

The Transportation Officers have assessed the Transport Statement, Road Safety Audit submitted in support of the application as alongside the amended site layout which has been received as a result of discussions with the Officers.

They have confirmed that the amended site layout now complies with guidance from

Manual for Streets and the South Yorkshire Residential Design Guide. On site car parking facilities comply with the Council's SPD 12 although it should be noted that

the 5 no bedroom dwellings rely on the garage as a car parking space, therefore a condition to ensure that the garage is available at all times for car parking purposes is recommended should permission be granted.

The original hybrid application provided an indicative location for the means of access into the outline element, however reserved the detail for consideration under future reserved matters application(s).

The Road Safety Audit and Designers Response for the proposed new access to

Stainton Lane have been accepted and subject to detailed design the junction complies with industry standards in terms of makeup, manoeuvring and visibility. A

Road Safety Audit stage 2 will be required in support of the detailed design. Sustainable travel contributions have previously been safeguarded by the S106 legal agreement attached to the Outline Planning Permission.

The Public Rights of Way Officer has also assessed the application and notes that there is a Public Right of Way to the east of the site - Public Footpath 2 – Maltby and that this must be available at all times. The outline permission had a condition which required the submission of details of Vehicular Intervention measures at the point where Public footpath 2 leaves the site to become Public footpath No. 18. The application includes details of a bollard, and the Public Rights of Way officer has said this is acceptable and that there is a minimum width of 1.2 metres for accessible access at either side.

Objections have been received regarding the existing and proposed roads in Maltby and surrounding villages stating that the roads cannot cope with the amount of traffic, and also that the proposed improvements to traffic lights are unlikely to help. It is noted above that the Transportation implications of the whole development were assessed fully at the outline stage of the application and were considered to be acceptable subject to relevant conditions and a Legal Agreement, and this reserved matters is just assessing the highway safety implications of the new access onto Stainton Lane and the internal road and housing layout. As noted above the Councils Transportation Officer raises no highway safety issues with the amended proposal and has confirmed that the access and layout comply with relevant guidance.

As part of the application Active Travel England have provided comments. They made comments and proposed amendments to the initial layout which they considered would improve accessibility at the site. The developers have included the majority of the requests in their amended layout which is welcomed by Active Travel England who are supportive of the amended proposal.

An objection has been received about Air Quality. In this regard the outline required the submission of Electric Vehicle Charging points and these have been shown on the amended site layout plan, one for every dwelling.

Taking all of the above into consideration, it is considered that this proposed reserved matters application has had regard to the principles approved as part of the outline permission and the proposed layout has been designed and amended in accordance with the guidance set out in the South Yorkshire Residential Design Guide. For these reasons it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with Policies CS14 and SP26 and guidance within the NPPF.

#### Impact on existing and future occupiers' amenity

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 135 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 there are residential properties already present and occupied to the south of the application site on Springwell Close and Malwood Way. The new proposed dwellings are located more than 10m from the boundary of the site and are shown to be located in excess of the 20m minimum separation distance from the existing houses and in this respect the layout is considered to be acceptable as it would not give rise to unacceptable levels of overlooking, loss of privacy or appear overbearing from existing neighbouring properties.

In relation to the inter-house spacing within the development site this is assessed against guidance contained within the SYRDG in relation to minimum separation distances and minimum garden areas. In this respect the plots on the amended scheme comply with the minimum standards set.

It is noted that an area in the north eastern section of the site has varying land levels and as such some retaining walls are proposed to the plots in this location. A plan has been submitted indicating where these retaining structures are located within the new dwellings, and they are not considered to create an adverse living environment for the occupiers of these plots within or outside the dwellings.

As such the future residents of the development site will be provided with sufficient internal and external amenity space and will not be subject to overlooking, overshadowing or a loss of privacy.

With the above in mind, it is considered that the proposed development adequately demonstrates that the development does not affect the amenity of existing residents, and that the scheme also provide future residents with an acceptable level of 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’.

## Flood Risk and drainage

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

The surface and foul water drainage principles were established as part of the outline planning permission, which included –

- Infiltration to be confirmed as unsuitable;
- Based upon infiltration being unsuitable, surface water to discharge to Paper Mill Dyke;
- Flows restricted to greenfield rates;
- Attenuation to be provided for the 1 in 100 year + climate change event.

- Foul water discharge to the existing public foul water system south of the site;
- Capacity checks confirmed the suitability of the receiving network;
- Due to the topography of the site in relation to the outfall a foul water pumping station will be required for the site;
- The development drainage should be offered for adoption under a S104 agreement.

Further details have been submitted in support of this reserved matters application which has been developed in line with the details approved at the outline stage. It notes that there is a surface water sewer and a foul water sewer located in Grange Lane and within the existing residential areas to the south. There is also other existing foul water mains on and beyond the boundaries of the site. Paper Mill Dyke, an open watercourse is located to the west of the site beyond Grange Lane and Ruddle Dyke, another open watercourse is located approximately 1.2km to the east.

The surface water drainage system is to be designed as an extension to that approved in Phase 1 of the development which includes underground attenuation with discharge by gravity for the west of the site and an attenuation basin with discharge by surface water pumping station for the east of the site. The foul water for Phases 2-4 are to discharge to the Phase 1 rising main via a new permanent pumping station, and the temporary pumping station approved as part of Phase 1 will be decommissioned and removed.

In relation to flood risk the surface water/pluvial flood risk will be mitigated in the levels strategy together with the construction of a new adoptable drainage systems.

An objection has been received on the basis that the development will increase flooding that already occurs in the locality. As mentioned above the outline permission dealt with the drainage principles at the site, and this reserved matters application has been designed in accordance with the drainage principles set out in that permission. The Councils drainage section have been consulted on the application and raise no objection to the proposal from a drainage or flooding aspect. There has also been an objection regarding the ability for existing sewers to be able to deal with the new homes proposed. Again, this reserved matters application includes details of foul water drainage and no objections have been raised in this regard by the Councils Drainage Engineers.

Taking the above into account, it is considered that the risks of flooding to the site have not changed from those identified within the original outline permission and that the reserved matters proposal satisfactorily conforms with Local Plan policy and those in the NPPF.

#### Landscaping, Green Infrastructure Provision, Open Space and Ecology

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 onto 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.

A Landscaping scheme has been submitted with the application which has been drawn up in line with the principles set out in the outline permission.

The Council's Landscape Design Team Leader assessed the landscape submitted with the application and requested some amendments which have been submitted on an amended plan. The Landscape Design Team Leader has noted that the detailed landscape scheme for the site-wide perimeter buffers has already been

approved under the outline permission, and the S106 legal agreement accompanying the outline application sets out the implementation programme of the buffers (all within Phase one) and the remaining POS areas within each subsequent Phase and their associated triggers.

The amended plans show the central linear buffer as required by the outline and the layout of the play area has been improved to be more central within the greenspace area. It is also noted that additional footpaths have been provided to improve connectivity to the Green Infrastructure which is welcomed.

Objections have been received on the grounds that the site is Green Belt and that its loss should not be allowed for that reason, that the loss of the site would be detrimental to the existing residents of Maltby who use it for recreation and that there are enough houses in Maltby and other significant development such as Waverley. In this respect it should be noted that the site used to be allocated for Green Belt, however it was reallocated for residential use within the Sites and Policies Local Plan in 2018, for the purpose of

providing more houses to meet an identified housing need in the area. The outline permission was granted for residential use on an allocated residential site. Also, the site was previously used for agriculture and was not a publicly accessible green space. The wooded area to the east and public foot path are retained through the application for continued public use.

There has also been an objection in relation to the amount of Green Space within the three phases. The outline permission complied with the relevant Local Plan policies in this regard, and the green open areas and public open space was identified at the outline stage within the Section 106 Agreement. This reserved matters application has been assessed and it provides in excess of the Local Plan Policy SP37 'New and improvements to Existing Green Spaces' requirement of 16,500 sqm. There is a provision of a LAP (Local Area for Play) as well as other green accessible spaces. Phase 1 of the development includes a LEAP (Local Equipped Area for Play) as well as an informal open green area.

It is therefore considered that the proposal is acceptable in terms of landscaping and in accordance with the provisions of Policy CS20 'Landscapes', and in terms of public open space in accordance with Policy SP37 'New and improvements to Existing Green Spaces'.

Turning to the issue of management and maintenance, there is a requirement under the original S106 agreement to establish a management company to maintain all areas of open space at the site and this also relates to the three phases subject of this application.

Having regard to the above, it is considered that sufficient landscaping and green infrastructure has been proposed within these phases of the development in line with the requirements of the outline permission.

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

Policy SP33 'Conserving and Enhancing the Natural Environment' states, in part, that: Development should conserve and enhance existing and create new features of biodiversity and geodiversity value, and adds that:

*"Development will be expected to enhance biodiversity and geodiversity onsite with the aim of contributing to wider biodiversity and geodiversity delivery including, where appropriate, direct contribution to Ecological Networks, the Green Infrastructure network, Biodiversity Opportunity Areas, Nature Improvement Areas and Living Landscapes".*

The application was accompanied by an Ecological Survey which was required by the outline permission, which has been assessed by the Councils Ecologist who has confirmed that she is satisfied with the findings. It is recommended that conditions are attached to any permission to secure a sensitive lighting scheme and requiring the submission of fencing details along the eastern boundary of the application site adjacent to the woods. In addition a condition requiring the submission of details of bat roosting features, hedgehog homes and holes and nesting opportunities for birds is recommended.

Having regard to the above, it is considered that subject to the recommended conditions the development would not have an unacceptable impact on ecology in accordance with guidance contained within the NPPF.

#### General Amenity – Noise, Contaminated Land and Air Quality

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

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

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

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

b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.

c. the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality Management Areas and meeting the aims and objectives of the Air Quality Action Plan.

d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.

e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals.

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

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

The Councils Land Contamination Officer has assessed all the submitted information and has no objections to the application subject to the conditions already attached to the outline permission which are still relevant/valid.

In terms of noise, a noise report was submitted with the application which identifies road traffic noise as being the dominant noise source. The Environmental Health Officer assessed the noise report and subsequent additional information regarding ventilation and is satisfied that acceptable internal ambient noise levels and noise levels in external amenity areas can be achieved provided appropriate glazing, ventilation and fencing/wall are provided. The ventilation strategy concludes that trickle ventilation is satisfactory and that mechanical ventilation is not required where windows have to be kept closed. It is recommended that conditions are attached to attached to secure the above.

It is therefore considered that the proposal is in compliance with Local Plan policies CS27, SP52 and SP54

### **Affordable Housing**

Of the 300 dwellings proposed, 95 are proposed as affordable housing, which equates to 31.6%, this is in line with the requirement within the original S106 Agreement which requires 25% across the whole of the site – eg 100 affordable homes in total across all four phases which is in line with the Councils policy. The 95 that form part of Phases 2, 3 and 4 will be provided in a mix of house types and tenure.

The Councils Affordable Housing Officer has assessed the proposal and accepts that the proposed mix of accommodation meets the identified housing affordable housing need and is therefore considered acceptable.

This is secured via a S106 Agreement attached to the outline permission.

### Archaeology

The outline permission contained a condition requiring that an archaeological evaluation was undertaken and submitted and approved prior to the submission of this reserved matters application. This has been done to the satisfaction of South Yorkshire Archaeology Service, and the approved Written Statement of Investigation will be implemented in accordance with the condition on the outline.

### Other issues Raised by Objectors

There have been numerous objections received on the grounds that Maltby does not have enough resources to meet the needs of existing residents so will not be able to cope with more, and that this may have an adverse impact on existing residents of surrounding residents also. This is in relation to schools, medical, dentist, high street provision.

As noted above this issue was assessed at the time of the outline. In relation to schools the S106 requires the payment of £2,521 per dwelling (excluding affordable housing units) which is a total of £756,300 towards funding the provision of additional school places at Maltby Academy in line with the Councils policy.

In relation to the objections relating to medical facilities available in the area, Rotherham Primary Care have commented on this application highlighting that since the closure of the Queens Medical Centre in 2022 services in this part of town have been extremely pressured and additional patient numbers without increased care provision will exacerbate this problem.

Again, this issue was assessed at outline stage, and at that time Rotherham Primary Care commented that there was enough primary care provision in the area at that time, and that capacity issues relating to the whole of the site may need to be looked into. They were requested to quantify these issues along with further details of when this should be looked at but they did not respond with any further information. At that time the Board Report also recognised that the process of allocating the site for residential use within the Local Plan had taken place over a number of years with many rounds of public consultation, and infrastructure providers were involved in the process in order that they could align their service and delivery plans to the provision of residential development to be generated by the site. For this reason the S106 does not make any provision of medical facilities and they cannot be required as part of this reserved matters application.

In relation to the amenities available in the High Street, this cannot be controlled by this planning application, however if increased numbers of people are living in the area to utilise local shops etc, this may lead to an improvement of facilities, although this is down to owners/operators of such units on the allocated High Street.

### **Conclusion**

The principle of residential development on this site has been established under

outline permission RB2016/1492 and subsequent S73 application RB2020/1815 and is considered to be acceptable.

The overall layout of the site offers an acceptable balance between achieving an efficient use of the land available as recommended in the NPPF whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. The design of the proposed scheme as a whole is considered to

have regard to the approved plans at outline stage and included within the S106 Agreement.

There are no objections to the proposals from the Council's Transportation Unit.

Internal layout geometries have been set out in accordance with the South Yorkshire Residential Design Guide and Manual for Streets. The overall drainage details were approved as part of the outline approval, and the Councils Drainage Engineers have not raised any objections to details submitted with this application.

In terms of the landscaping within the site and Biodiversity, the applicants have provided an acceptable level of landscaping appropriate for the site which are in line with plans approved at the outline stage. There are no objections to the proposed planting schemes from the Councils Landscape Design team or the Ecologist.

It is therefore recommended that planning permission be granted in accordance with the following conditions.

### **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **04, 05, 09, 10 and 13** of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers **04, 05, 09, 10 and 13** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

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

- Site Location Plan – JHY-1102-LP
- Proposed Site Layout – 3397-1-001 Rev BB
- Boundary Treatment Plan – 3397-1-130 Rev I
- Elevation Treatment Plan – 3397-1-010 Rev F
- Building Heights Plan – 3397-1-011 Rev E
- Managed Areas Plan -3397-1-010 Rev F
- Proposed Handforth Housetype – 3397-1-201 Rev A
- Proposed Mottram Housetype – 3397-1-200 Rev A
- Proposed Birch NDSS Housetype – 3397-1-202 Rev A
- Proposed Keswick Housetype – 3397-1-204 Rev A
- Proposed Kendal Housetype – 3397-1-203 Rev A
- Proposed Banbury Housetype – 3397-1-205 Rev B
- Proposed Buckley Housetype – 3397-1-206
- Proposed Bentley Housetype -3397-1-208 Rev B
- Proposed Buckley Corner Turner Housetype – 3397-1-207
- Proposed Latchford Housetype – 3397-1-209
- Proposed Street Scenes – 3397-1-002 Rev F
- Proposed Levels Strategy – 1179-007 Rev B
- POS-Play Area Plan – 3397-1-012 Rev D
- Substation Details – C1065234 Rev 0

**Reason**

To define the permission and for the avoidance of doubt.

**02**

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

**Reason**

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

**03**

The boundary treatment shall be provided on site in accordance with the details

of the approved Boundary Treatment Plan. The approved boundary treatment shall be implemented prior to the occupation of each dwelling.

**Reason**

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

#### TRANSPORTATION/SUSTAINABILITY

04

Prior to the commencement of development, a detailed scheme for the provision of pedestrian crossings in Stainton Lane at the junction of Stainton Lane / Grange Lane and at the Eastern site boundary shall be submitted to and approved by the Planning Authority, along with a phasing plan / timetable for its implementation. The approved scheme shall be implemented in accordance with the approved phasing plan/timetable.

Reason

In the interest of Highway Safety

05

Prior to the commencement of development, a detailed scheme for the proposed site access to Stainton Lane including pedestrian crossing points, street lighting and drainage improvements shall be submitted to and approved by the Local Planning Authority along with a phasing plan / timetable for its implementation. The approved scheme shall be implemented in accordance with the approved phasing plan / timetable.

Reason

In the interest of Highway Safety

06

Before the development is brought into use visibility splays 2.4 x 160m (west) and 2.4 x 120m (east) shall be rendered effective by removing or reducing the height of anything existing on the land between the visibility splay and the highway which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

Reason

In the interest of Highway Safety

07

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) the garages for plots 21, 36, 58, 80, 86, 168, 176, 191, 214, 240, 244 and 264 shall be made available at all times for vehicle parking purposes.

Reason

In the interest of Highway Safety

08

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

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

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

**Reason**

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

09

Before the development is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented on site.

**Reason**

No details having been submitted they are reserved for approval.

10

Prior to the commencement of development a Construction Traffic Management Plan

/ Method Statement shall be submitted to and approved by the Local Planning Authority. The approved statement shall be fully implemented and adhered to throughout the construction period. The Statement shall provide for; Wheel wash facilities / storage / loading / unloading of materials / plant; and car parking facilities for the construction staff.

**Reason**

In the Interests of Highway Safety

11

The vehicle intervention measures shown on the approved plans shall be implemented on site prior to the first use of the access points from the development site onto the public footpath.

**Reason**

Reason In the interest of amenity of future residents of the site.

12

The Electric Vehicle Charging Points shown on the approved Site Layout Plan shall be provided for each dwelling/car parking space prior to the occupation of each dwelling or each car parking space being brought into use.

**Reason**

To promote sustainability in accordance with the Local Plan and the NPPF.

**DRAINAGE**

13

The development hereby granted shall not be begun until details of the foul & surface water 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.

**Reason**

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

14

A Sustainable Drainage System (SuDS) is the Local Planning Authority's preferred option. If not proposed then a detailed explanation of any alternative option and reasons for rejecting a SuDS solution shall be submitted and approved by the Local Planning Authority.

**Reason**

To comply with current planning legislation - National Planning Policy Framework.

15

No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be designed, managed and maintained in accordance with the Non-statutory technical standards and local standards.

**Reason**

To comply with current planning legislation - National Planning Policy Framework

16

Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

**Reason**

To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal in accordance with CS24 of the Local Plan

## ENVIRONMENTAL

17

Glazing and ventilation shall meet the noise reduction criteria as specified in section 6.1.3 (refer to D1 & D4 within that section) and appendix D (figures D1 & D4). Trickle ventilation shall be provided to dwellings as indicated in appendix D (figures D1 & D4) of the submitted Noise Assessment, to achieve a minimum sound reduction of 39dB D,n,e,w.

### Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF

18

Close boarded fencing or a solid wall of a minimum height of 1.8m and a minimum surface mass of 10kg/m<sup>2</sup> with no holes or gaps shall be installed to the boundaries of all dwellings fronting Stainton Lane Maltby as shown on the proposed site layout dated 26th October 2022 (drawing no. 3397-1-001) in Appendix B of the submitted Noise Assessment.

### Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF

## LANDSCAPING & ECOLOGY

19

Landscaping of the site as shown on the approved plans (drawing no. 4133/2100

Rev D, 4133/2101 Rev D, 4133/2102 Rev D, 4133/2103 Rev D, 4133/2104 Rev D,

4133/2105 Rev D, 4133/2106 Rev D, 4133/2107 Rev D) shall be carried out during

the first available planting season after commencement of the development and

thereafter maintained for the lifetime of the development. Any plants or trees which

within a period of 5 years from completion of planting die, are removed or damaged,

or that fail to thrive shall be replaced within the next planting season.

Assessment of

requirements for replacement planting shall be carried out on an annual basis in

September of each year and any defective work or materials discovered shall be

rectified before 31st December of that year.

**Reason**

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

20

Notwithstanding the submitted details, before above ground works commence details of external / internal lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features or accessing roost sites.

**Reason**

In the interest of Biodiversity at the site.

21

Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog homes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken;
- ii. Materials and construction to ensure long lifespan of the feature/measure
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- iv. When the features or measures will be installed within the construction, occupation, or phase of the development.

**OTHER**

22

Before the commencement of above ground development details of a defibrillator and a life buoyancy aid to be provided on site and a timetable for their provision shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented on site in accordance with the agreed timetable.

**Reason**

In the interest of safety and amenity

**Informatics**

01

Highways

A Road Safety Audit stage 2 will be required in support the information submitted for Conditions 04 & 05 and the developer will be required to enter into a S278 (Highways Act) legal agreement with the Council for the works within the existing adopted highway).

In relation to condition 06 The applicant is to enter into an agreement with the Council to maintain the grass highway verge as part of the landscaped areas within the site

02

South Yorkshire Fire and Rescue

access for fire appliances should be in accordance with Building Regulations, Approved Document B, volume 1, Requirement B5 section 13. Your attention is drawn to Table 13.1 where the pump appliance is quoted as 12.5 tonnes maximum carrying capacity (MCC) and for a high reach appliance the MCC is 17.0 tonnes. South Yorkshire pump and high reach appliances both have a MCC of 18.0 tonnes. Therefore, any roadways and associated inspection covers should be capable of withstanding these weights.

Water supplies for fire-fighting purposes should be provided to comply with Building Regulations Approved Document B, volume 1 Requirement B5 section 14.

03

South Yorkshire Police

It is recommend that the development is designed and built to Secured by Design standards [www.securedbydesign.com](http://www.securedbydesign.com)

04

Drainage

In order to discharge Conditions 13 & 14, the applicant is advised that they would be expected to submit information including but not limited to the following:

5. Surface water drainage plans should include the following:

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

6. Surface Water Discharge From Brownfield Site:

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

A 30% net reduction to existing peak discharge (up to a 1/100 yr storm + 40% CC) will be required if the site is being re-developed. A full justification will be

required where the development cannot achieve the 30% betterment on the existing run-off rate.

7. On Site Surface Water Management:

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc. to demonstrate how the 100 year + 40% CC rainfall volumes will be controlled and accommodated.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway.

Guidance on flood pathways can be found in BS EN 752.

Any SuDS/Drainage system installed must not be at the detriment to the receiving watercourse or ground (infiltration), so managing the quality of the run-off to must be incorporated into any design in accordance with CIRIA 753 The SuDS Manual

The design of flow control devices should, wherever practicable, include the following features:

- a) Flow controls may be static (such as vortex flow controls or fixed orifice plates) or variable (such as pistons or slide valves);
- b) Controls should have a minimum opening size of 100 mm chamber, or equivalent;
- c) A bypass should be included with a surface operated penstock or valve; and
- d) Access should be provided to the upstream and downstream sections of a flow control device to allow maintenance.

For major developments, the LPA is required to ensure there are suitable ongoing maintenance arrangements over the lifetime of the development (see NPPF).

Options for SuDS adoption and maintenance include:

- a) Adoption by Water and Sewerage Company (WSC) - The developer may enter into a section 104 agreement (Water Industry Act 1991) with the local WSC.
- b) Private Maintenance Arrangement.

Provide all drainage management and maintenance plans for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime (e.g. signed Section 104 agreement)

## POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	<b>RB2024-0148 <a href="https://rotherham.planportal.co.uk/?id=RB2024/0148">https://rotherham.planportal.co.uk/?id=RB2024/0148</a></b>
<b>Proposal and Location</b>	<b>Change of use from C3 dwellinghouse to C2 residential institution, 3 Wood Close, Ravenfield</b>
<b>Recommendation</b>	<b>Granted Conditionally</b>

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



## **Background**

RB2004/2159 - First floor side/rear extension over existing garage - GRANTED CONDITIONALLY

RB2007/2305 - Detached garage to rear - REFUSED

RB2008/1223 - Detached garage to rear - GRANTED CONDITIONALLY

RB2012/0450 - Erection of detached garage and vehicular access - GRANTED CONDITIONALLY

RB2016/1442 - Application to prune 2 No. sycamore trees protected by RMBC Tree Preservation Order No. 5 1989 - GRANTED CONDITIONALLY

RB2020/1463 - Single storey side extension - GRANTED CONDITIONALLY

## **Proposal**

This application proposes a change of use of the property to a children's residential care home for a maximum of two children. Children will range in age from 8 to 18 years.

The home will consist of 1 x Manager, 1 x Deputy Manager, 6 x Practitioners. However only two Practitioners will be on shift at any one time at the property. The manager or deputy will be at the home 9-5 Monday to Friday when most people are out at work.

The staff change over will happen at 2pm before school runs to prevent impact on the young people and community. There will be 1 person from the new shift increasing Practitioners to 3 staff for a period of 30 minutes.

Social workers have statutory visits every 6 weeks to the home. These times will be scheduled out of the 2pm to 2.30pm time frame to reduce impact. Social workers would be advised on alternative parking with a short walk to prevent any impact.

No external changes to the dwelling are proposed.

In terms of parking the existing access will be widened and two additional parking places formed to allow for up to four cars to parked on site at any one time. The applicant has also indicated that sustainable on site drainage will be provided to prevent excess water flowing into the public highway. Following Officer advice some landscape has also been retained to soften the visual impact.

The proposal forms part of a Council strategy to provide in house care for Children within Rotherham, the strategy has been outlined by Children and Young People Service as follows:

*Our in-house residential programme is currently in phase 3 and 4 following Cabinet approval in February 2020. Benefits of the programme as included within the original cabinet paper are listed below:*

- *Ensure more children and young people are placed in Rotherham close to their communities, families, friends and schools.*
- *Deliver improved outcomes for looked after children.*
- *Develop a service model that encourages step-down to family-based placements.*
- *Provide a local response to the increasing demand for a range of residential placements.*
- *Provide greater flexibility and control of provision.*
- *Reduce placement costs and support the delivery of directorate savings.*

*Why we look for the properties which we select.*

*Properties are identified according to a service requirement. Our ambition is that all young people have an opportunity to live in a family-based placement. Phase 3 and 4 of our programme is focusing on the development of 2 bed children's homes.*

*The typical service specification for our children's homes is detached 4 bed properties which would be suitable as children's homes for 2 young people to replicate a family setting of 2 adults and 2 children. Homes are to be of a sufficient size with outdoor space, not to be overlooked by neighbours and with suitable parking for staff who work in the homes. Homes must also be suitable to be adapted to meet any formal Ofsted registration requirements.*

*As part of the due diligence process when seeking approval to offer it is based on the completion of the home's location risk assessments, this includes liaison with the Police and intelligence from partner agencies. We also take into consideration the access to local schools, which potentially our young people could attend.*

*Young people are matched to the provision in a thoughtful and careful manner, this supports the smooth running of the home and supports young people to become part of the local community where they can flourish.*

*How this relates to the values of the council.*

*Development of in-house residential provision aligns to the Council theme as listed in the Council Plan:*

- *Every Child to be Able to Fulfil their Full Potential*

*Updates on the programme are included in the Year Ahead Delivery Plan forming a key part of the CYPS Transformation Programme.*

*The programme also aligns to the CYPS vision of:*

- *We work with Rotherham's children, young people and families to be resilient, successful and safe.*

*The underpinning principle of Rotherham's approach is that every child has the right to a family life. Where this is not possible the Council will seek to ensure that a child lives with a supportive and nurturing family.*

*In the event that living in a family home is not an option, the Council will make every effort to ensure that a child lives in a children's residential home that replicates family life as closely as possible. Once in care, every effort is made to either plan for the safe return of children to their families or have a permanent alternative family as soon as possible. As a council we endeavour to be aspirational for young people and provide them with the care and nurturing environment to support their needs, and where they can thrive.*

*The Council's standard is that our children and young people should only be placed in 'good' or 'outstanding' Ofsted rated placements.*

*How what we do benefits the community.*

*As part of our programme regular communication takes place with neighbours and the local community, this starts once an acquisition is in process and then continues once homes are open and operationalised.*

*Community engagement is led by the Operations Manager for Residential Services initially with this continued by the Registered Manager for the provision. At all stages we seek to engage regularly with neighbours to address any concerns and seek a positive relationship with the ambition that our Children's Homes operate as normal family dwellings. Our aim is for each home to form strong links within the neighbourhoods to ensure that young people are part of the local community.*

*How provisions are monitored and overseen through Ofsted regulations.*

*The Children's home will be inspected once a year by Ofsted. The Care Standards Act 2000 sets out Ofsted's powers to regulate, inspect and enforce compliance with the Act and relevant regulations. When inspecting children's homes, Ofsted considers the knowledge and understanding gained from previous inspections, and:*

*The Care Standards Act 2000*

*The Children's Homes (England) Regulations 2015*

*The Guide to the children's homes regulations, including the quality standards*

*Furthermore under regulation 44 of the Children's Homes Regulation 2015 an independent visitor inspects the property on a monthly basis collating a report*

*with recommendations for improvements this is sent to the homes manager and Ofsted and forms the basis of continued development.*

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

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

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

Local Plan policy(s):  
SP 11 Development in Residential Areas  
SP52 Pollution Control

### **Other Material Considerations**

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

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

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

### **Publicity**

The application has been advertised by way of site notices along with individual neighbour notification letters to adjacent properties. 39 letters of objections have been received from local residents as well as the Parish Council. One letter in support has been received from the owner of the property.

The objectors raise the following concerns:

- Increased Traffic and Parking Issues: Residents are concerned about additional traffic and parking congestion due to staff, social workers, police visits, and possibly taxis for the facility, worsening an already problematic situation.
- Safety and Noise Concerns: There's worry about the potential for increased anti-social behaviour, noise, and disturbances, affecting the quiet residential nature of the area and the safety and well-being of the existing residents and their children.
- Unsuitable Location: The location is deemed unsuitable due to its close proximity to other houses, limited parking, and being in a quiet residential area not equipped to handle the requirements of a care facility.
- Planning and Legal Constraints: Some objections also highlight potential legal and planning constraints, including covenants on the use of properties in the area that might restrict the proposed use of the property as a care facility.

The Parish Council states that:

#### Parking and Traffic

- The property lacks adequate parking space for staff (minimum of 4) and visitors. Additionally, there is insufficient room to create additional parking spaces. Street parking on Wood Close is limited to outside the properties and is further constrained by driveway access.
- Given the impossibility of adequately accommodating parking needs for staff and visitors at 3 Wood Close, there is concern that parking will spill over onto Hollings Lane, exacerbating existing traffic and road safety problems in the area.
- The Parish Council has received numerous complaints about parking in this area. Visitors to the Ravenfield Arms, the Tennis Courts, Hollings Lane recreational grounds (which includes a play area), local woodland, often park their vehicles on Wood Close. The current volume of parked cars in the area poses a safety hazard. Vehicles parked at the junction of Wood Close obstruct visibility when exiting onto Hollings Lane and entering Wood Close.
- Motorists often exceed the speed limit on Hollings Lane, which is a significant concern for Ravenfield Parish Council. Speeding issues have been raised over a number of years with Ward Councillors, MP John Healey, and Rotherham MBC Highways - Marc Hill.
- The visibility issue caused by parked cars and the known speed problems, raises safety concerns crossing the road, particularly for children.

## Noise

- Given the nature of this property, staff availability will be required around the clock, resulting in continuous disruption and noise for residents throughout the day and night. This would be neither acceptable nor fair for the permanent residents of the small cul-de-sac.

## Antisocial behaviour.

- Instances of antisocial behaviour in the woodland and recreational ground are recognised. Given the proximity of 3 Wood Close to these areas, Ravenfield Parish Council is worried about the potential risk of vulnerable children getting involved in such behaviour.
- While we fully support that the challenges that some children face and the level of support needed, we strongly believe that this location is not suitable and would cause a major impact to the local residents.

## The letter in support states that:

- Parking: The area has ample parking, with about 16 spaces available on the road, and historical precedence of accommodating multiple cars without issues.
- Privacy and Overlook Concerns: The existing environment of Wood Close has managed privacy well, with measures like walls, fencing, blinds, and obscure glass addressing potential overlook issues.
- Valuation and Depreciation: No evidence supports claims that the care facility would negatively impact property values; comparisons with similar properties suggest no relevance to property value concerns.
- Compliance with Covenant: The application aims to comply with a covenant attached to the property, not to establish a business.
- Support for Children in Care: Emphasizes a commitment to providing stability and support for children in care, appealing to community empathy and highlighting the role of the home in the childcare system

6 people have requested the right to speak at Planning Board including the applicant.

## Consultations

RMBC – Transportation and Highway Design – No objections subject to relevant conditions.

RMBC – Environmental Health - Would envisage no significant loss of amenity by virtue of noise, air quality or land pollution impact

South Yorkshire Police: No objection subject to relevant informative regarding secure by design.

## **Appraisal**

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

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

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

The main considerations in the determination of the application are:

- The Principle of the Development
- Impact on Residential Amenity
- Transportation Considerations
- Other Matters Raised by Local Residents

### Principle of the Development

The proposed use would fall within class C2 'Residential Institutions' (use for the provision of residential accommodation and care to people in need of care). In this instance a change of use to Use Class C2 occurs as children cannot form a household on their own and live independently without adult supervision.

The site is allocated for Residential Use within the Local Plan and Local Plan policy SP11 'Development in residential Areas' states "Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies." As such, the proposed development would be acceptable in principle.

### Impact on Residential Amenity

The proposal is for the use of the dwelling as a children's care home for up to two children only. Two staff will be present at any one time and during handovers up to a maximum of four (including the manager/deputy manager).

The property would be accessed by the occupants, members of staff and other support workers such as social workers. These comings and goings and

associated vehicle movements may increase the level of activity marginally, although it is not considered to be significantly different from how the property would have been used as a dwellinghouse with a family occupying it.

The property is detached and has moderate separation distance to the nearest neighbouring property to the north. There is a substantial garden area to the rear which adjoins only one other neighbour at No. 4. The level of children proposed to be cared for at the property will be 2 which is consistent with a family occupying the property and it is not considered that there would be an unacceptable level of disturbance resulting from the level of occupation/number of children.

The applicant has confirmed that the changeover time for staff is at 2pm, so it is not considered that the increase in activity at the property would give rise to an increased level of noise and disturbance during unsociable hours and whilst it may increase during daytime hours, it is considered that the level of noise associated with increased vehicular movements would not lead to a significant impact on the residential amenity of existing nearby residents.

Objections have been received from local residents raising concerns about noise and disturbance from the care home, as well as the suitability of the location.

The two children accommodated within the property will be supervised on a 24 hour basis and as such, it is not considered that this issue would create any significant impact on the residential amenity of existing residents or the wider community as a whole. In this respect the proposal would be considered to have a character akin to that of a residential dwelling, and as such is considered acceptable in a residential area. Therefore due to the nature of the proposal it is considered to be residential in character, which is appropriate in this residential area.

#### Transportation

After assessing the submitted application the Transportation Officer has noted that the drive will be made available for 4 cars. This being the case the Transportation Officer raises no objections to the application as there is sufficient on site parking to accommodate the staff, including at change over times.

Objections have been received that the proposal, if approved, would cause further parking problems for residents, including excessive on street parking on Wood Close. As referred to above the site will have adequate on site parking, preventing the need for on street parking.

As noted above the Transportation Officer raises no objections in relation to highway safety concerns and is happy with the level of parking available on the site. It is also noted that occasional on street parking would not cause any safety concerns.

### Other Matters Raised by Local Residents

A number of objections have raised concerns about how the home will be run, the type of staff and if the children can be retained on site. These issues will be addressed by a separate body and are not for consideration as part of this submission.

There are concerns from local residents regarding the potential for antisocial behaviour. Whilst these concerns can be viewed as a material consideration, in this case there is no substantiated evidence that the proposal would give rise to anti-social behaviour and it can not be assumed that children in care cause anti social behaviour. Furthermore, the home will help to provide care for vulnerable Rotherham children, who may otherwise have to looked after outside the borough to the detriment of their future prospects.

In response to the concerns raised, the applicant has confirmed that the children and young people in residential care are supported by staff that are highly skilled, supported by regular supervision who have bespoke training to support the individual needs of the children they care for.

Taking into account all children accommodated at the property will be supervised on a 24-hour basis it is not considered that this would create any significant impacts on the residential amenity of existing residents in the area or crime rates in the area

Finally in terms of the objection relating to the restrictive covenants, the presence of a restrictive covenant is not a consideration material to the grant of planning permission. The planning authority can not take the covenant into account or seek to analyse the covenant's true meaning and legal effect. Children and Young People's Services are of the opinion that the covenant does not restrict the proposed care home use, which can be legally challenged by neighbouring residents should they so wish.

### **Conclusion**

Given the location of the dwelling, together with the nature and intensity of the proposed use, to look after two children, it is considered that any noise and disturbance generated would be akin to a "traditional" residential dwelling, and whilst there could be an increase in comings and goings at shift change over times, this would be within daytime hours so would not create such a significant impact on the amenity of neighbouring residents that would justify refusing planning permission on these grounds. Furthermore, the presence of several carers at any one time will ensure that the children in care are suitably supervised minimising any impact on the amenity of neighbours or the wider community.

It is also considered that the onsite car parking proposed is appropriate from a highway safety aspect. It is therefore recommended that planning permission is granted conditionally.

**Conditions**

01

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

Reason

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

02

The premises shall be used as a residential care home only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 2987, (or any Order revoking and re-enacting that Order with or without modification).

Reason

The premises are not considered suitable for general use within the Class quoted for  
amenity and highway reasons.

03

The number of children cared for at the site shall be limited to a maximum of 2 at any one time.

Reason

In accordance with the details submitted with the application and for the avoidance of doubt.

04

The development shall not be occupied until the proposed widening of the existing vehicle access as shown on drawing No. BS007 Rev A, has been undertaken.

Reason

In the interest of highway safety.

05

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

Reason

In the interest of highway safety.

06

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

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

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

**Reason**

To provide sustainable drainage and to prevent surface water entering the public highway.

**Informative**

**South Yorkshire Police**

This development would benefit from being renovated to Secured by Design (SBD) standards. For further information please contact:  
[Suzanne.turton@southyorks.pnn.police.uk](mailto:Suzanne.turton@southyorks.pnn.police.uk)

**POSITIVE AND PROACTIVE STATEMENT**

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

<b>Application Number</b>	<b>RB2024/0185 <a href="https://rotherham.planportal.co.uk/?id=RB2024/0185">https://rotherham.planportal.co.uk/?id=RB2024/0185</a></b>
<b>Proposal and Location</b>	Change of use from C3 dwellinghouse to C2 residential institution at 14 Mair Court, Moorgate
<b>Recommendation</b>	<b>Granted conditionally</b>

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



### **Site Description & Location**

The site comprises of a detached two storey property at 14 Mair Court within the south eastern area of Moorgate.

The property is a detached two storey dwelling constructed in brick. The property is set back from the cul-de-sac. Access is from Mair Court. In addition there is a detached double garage to the front of the property.

Residential properties lie directly adjacent to the property and opposite. The surrounding area is predominantly residential.

### **Background**

There have been no previous applications relating to the property since this property and those in the immediate surroundings were constructed in the late 1990s.

### **Proposal**

This application proposes a change of use of the property to a children's residential care home for a maximum of two children. Children will range in age from 8 to 18 years.

No external changes or extensions to the property are being proposed.

The supporting document accompanying the application states:

*"Following Highways initial feedback (ref:TR/SK4490/33/ND) and to support the above application for the change of use from 1 no. residential dwelling (use class C3) to a care facility (use class C2) at 14 Mair Court, Moorgate. It is the intention for the house to become a home for a maximum of two Children who will be supervised by a staff team permanently on site.*

*The home will consist of 1 x Manager, 1 x Deputy Manager, 6 x Practitioners. However only two Practitioners will be on shift at any one time at the property. The manager or deputy will be at the home 9-5 Monday to Friday when most people are out at work.*

*The staff changeover will happen at 2pm before school runs to prevent impact on the young people and community. There will be 1 person from the new shift increasing Practitioners to 3 staff for a period of 30 minutes.*

*Social workers have statutory visits every 6 weeks to the home. These times will be scheduled out of the 2pm to 2.30pm time frame to reduce impact. Social workers would be advised on alternative parking with a short walk to prevent any impact."*

The application provides 4 car parking spaces (which includes 2 garage spaces) within the site frontage.

The proposal forms part of a Council strategy to provide in house care for Children within Rotherham, the strategy has been outlined by Children and Young People Service as follows:

*Our in-house residential programme is currently in phase 3 and 4 following Cabinet approval in February 2020. Benefits of the programme as included within the original cabinet paper are listed below:*

- *Ensure more children and young people are placed in Rotherham close to their communities, families, friends and schools.*
- *Deliver improved outcomes for looked after children.*
- *Develop a service model that encourages step-down to family-based placements.*
- *Provide a local response to the increasing demand for a range of residential placements.*
- *Provide greater flexibility and control of provision.*
- *Reduce placement costs and support the delivery of directorate savings.*

*Why we look for the properties which we select.*

*Properties are identified according to a service requirement. Our ambition is that all young people have an opportunity to live in a family-based placement. Phase 3 and 4 of our programme is focusing on the development of 2 bed children's homes.*

*The typical service specification for our children's homes is detached 4 bed properties which would be suitable as children's homes for 2 young people to replicate a family setting of 2 adults and 2 children. Homes are to be of a sufficient size with outdoor space, not to be overlooked by neighbours and with suitable parking for staff who work in the homes. Homes must also be suitable to be adapted to meet any formal Ofsted registration requirements. As part of the due diligence process when seeking approval to offer it is based on the completion of the home's location risk assessments, this includes liaison with the Police and intelligence from partner agencies. We also take into consideration the access to local schools, which potentially our young people could attend.*

*Young people are matched to the provision in a thoughtful and careful manner, this supports the smooth running of the home and supports young people to become part of the local community where they can flourish.*

*How this relates to the values of the council.*

*Development of in-house residential provision aligns to the Council theme as listed in the Council Plan:*

- *Every Child to be Able to Fulfil their Full Potential*

*Updates on the programme are included in the Year Ahead Delivery Plan forming a key part of the CYPS Transformation Programme.*

*The programme also aligns to the CYPS vision of:*

- *We work with Rotherham's children, young people and families to be resilient, successful and safe.*

*The underpinning principle of Rotherham's approach is that every child has the right to a family life. Where this is not possible the Council will seek to ensure that a child lives with a supportive and nurturing family.*

*In the event that living in a family home is not an option, the Council will make every effort to ensure that a child lives in a children's residential home that replicates family life as closely as possible. Once in care, every effort is made to either plan for the safe return of children to their families or have a permanent alternative family as soon as possible. As a council we endeavour*

*to be aspirational for young people and provide them with the care and nurturing environment to support their needs, and where they can thrive.*

*The Council's standard is that our children and young people should only be placed in 'good' or 'outstanding' Ofsted rated placements.*

*How what we do benefits the community.*

*As part of our programme regular communication takes place with neighbours and the local community, this starts once an acquisition is in process and then continues once homes are open and operationalised.*

*Community engagement is led by the Operations Manager for Residential Services initially with this continued by the Registered Manager for the provision. At all stages we seek to engage regularly with neighbours to address any concerns and seek a positive relationship with the ambition that our Children's Homes operate as normal family dwellings. Our aim is for each home to form strong links within the neighbourhoods to ensure that young people are part of the local community.*

*How provisions are monitored and overseen through Ofsted regulations.*

*The Children's home will be inspected once a year by Ofsted. The Care Standards Act 2000 sets out Ofsted's powers to regulate, inspect and enforce compliance with the Act and relevant regulations. When inspecting children's homes, Ofsted considers the knowledge and understanding gained from previous inspections, and:*

*The Care Standards Act 2000*

*The Children's Homes (England) Regulations 2015*

*The Guide to the children's homes regulations, including the quality standards*

*Furthermore under regulation 44 of the Children's Homes Regulation 2015 an independent visitor inspects the property on a monthly basis collating a report with recommendations for improvements this is sent to the homes manager and Ofsted and forms the basis of continued development.*

## **Development Plan Allocation and Policy**

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

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

Local Plan policy(s):

SP11 Development in Residential Areas

## SP52 Pollution Control

### Other Material Considerations

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

National Planning Policy Framework: The revised NPPF came into effect in December 2023. It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

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

### Publicity

The application has been advertised by way of neighbour notification letters to 8 adjacent properties and a site notice. A total of 242 representations (58 individual, plus group of 184 emails) have been received, and the comments are summarised below –

- Totally inappropriate form of development in a quiet residential area.
- Increased crime in the area.
- Potential increase in anti-social behaviour.
- Increased disturbance to residents from potential police visits along with social worker call outs.
- Looked after children tend to have behavioural problems. This is not a suitable location for them and there would be better locations within the borough.
- Covenant in the property deeds that the property should be for residential purposes only and no other purposes. All other properties in the cul de sac have the same clause.
- The red-edge boundary area of the property is disputed with a neighbour.
- Increase in Carbon footprint, heating and maintaining a 4 bed property. More children could be catered for more efficiently on a single site.
- Concern that there may not be a legally binding promise that only 2 children will be housed on site, or that the use will not be changed on the future.
- There are a high proportion of elderly residents near to the site area who will be particularly disturbed by the proposal.

- The red-edge boundary has been queried and whether this was marked in the correct location with regard to the neighbouring property at no. 12. This has since been clarified by the applicant, though further queries have been raised.
- Insufficient parking, highway & pedestrian safety issues.
- Increase in noise and general disturbance from the coming & goings of staff and social workers.
- Negative influence upon the children attending the primary school and safeguarding.
- Safeguarding issues – this will cause distress for local residents and their children.
- Should remain as a dwellinghouse.
- Concern about increased overlooking and loss of privacy to adjacent properties from the increase in footfall and comings and goings of staff and visitors to and from the property.
- Devaluation of property prices, causing negative equity and problems selling.
- Concerns raised at the financial viability and use of taxpayers money for this scheme.
- The website is unreliable and some of the comments received cannot be seen.

15 Right to Speak requests have been received.

### **Consultations**

Transportation and Highway Design – No objections following the submission of the supporting statement

Environmental Health – No objections

### **Appraisal**

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

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

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

The main considerations are:

- Principle of the Development

- Impact on Residential Amenity
- Parking
- Other Matters Raised by Local Residents

### Principle of the Development

The proposed use would fall within class C2 'Residential Institutions' (use for the provision of residential accommodation and care to people in need of care). In this instance a change of use to Use Class C2 occurs as children cannot form a household on their own and live independently without adult supervision.

The site is allocated for Residential Use within the Local Plan and Local Plan policy SP11 'Development in residential Areas' states "Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies." As such, the proposed development would be acceptable in principle.

### Impact on residential amenity

The proposal is for the use of the dwelling as a children's care home for up to two children only. Two staff will be present at any one time and during handovers up to a maximum of four (including the manager/deputy manager).

In regard the potential impact on existing residents in the area and safeguarding, the proposal would result in the change of use of the property from a residential dwelling to a children's home for 2 children with 24-hour care, which will be registered by Ofsted.

Both the applicant and Ofsted recognise that the property with the extension is not of a sufficient size to support more than 2 children. Each child will have a bedroom and the additional bedrooms are for an office/staff bedroom and second staff bedroom will be provided.

The property would be accessed by the occupants, members of staff and other support workers such as social workers. These comings and goings and associated vehicle movements may increase the level of overall activity, although it is not considered to be significantly different from how the property would have been used as a dwellinghouse with a family occupying it. The level of additional noise and disturbance that may be expected is not considered to be of a scale that would conflict with policies SP11 'Development in residential Areas' or SP52 'Pollution Control'.

The property is detached and has a good separation distance to the property at no. 12, though lies in close proximity to the property at 14 immediately to the south. There is a good size garden area to the rear which adjoins a total of four other neighbours (neighbours on both adjacent boundaries, as well as two to the rear).

The home will be registered with Ofsted for up to 2 children. The home will not be able to exceed this number without notifying Ofsted and changing the registration. Two bedrooms will be for children, additional bedrooms are for office / staff sleep in room and second staff sleep in bedroom. The level of children proposed to be cared for at the property will be 2 which is consistent with a family occupying the property and it is not considered that there would be an unacceptable level of disturbance resulting from the level of occupation/number of children.

The applicant has confirmed that the changeover time for staff is at 2pm, so it is not considered that the increase in activity at the property would give rise to an increased level of noise and disturbance during unsociable hours and whilst it may increase during daytime hours, it is considered that the level of noise associated with increased vehicular movements would not lead to a significant impact on the residential amenity of existing nearby residents.

Objections have been received from local residents raising concerns about noise and disturbance from the care home, as well as the suitability of the location.

The two children accommodated within the property will be supervised on a 24 hour basis and as such, it is not considered that this issue would create any significant impact on the residential amenity of existing residents or the wider community as a whole. In this respect the proposal would be considered to have a character akin to that of a residential dwelling, and as such is considered acceptable in a residential area. Therefore due to the nature of the proposal it is considered to be residential in character, which is appropriate in this residential area.

Additionally, the Council's Environmental Health department have been consulted and have not raised any objections to the proposal from a residential amenity perspective.

The internal layout will remain unchanged to the existing layout. As such it is not considered that there would be any overlooking issues raised to neighbouring properties.

#### Parking

The application indicates that 4 car parking spaces can be provided within the site frontage without any changes to the existing layout. This is considered to be in accordance with the current parking standards.

Whilst many objections have been received on the grounds of lack of parking and highway safety issues, the Council's Transportation Officer does not raise any objection on the grounds of highway safety.

Furthermore, the applicant has confirmed that the changeover of staff will occur outside of the school pick up and drop off times.

### Other Matters Raised by Local Residents

A number of objections also refer to the housing of children with complex behavioural needs and indicate that they would be better suited to being housed in a larger and more dedicated facility.

The applicant indicates that children and young people in residential care are supported by staff that are highly skilled, supported by regular supervision who have bespoke training to support the individual needs of the children they care for. Taking into account all children accommodated at the property will be supervised on a 24-hour basis it is not considered that this would create any significant impacts on the residential amenity of existing residents in the area or crime rates in the area.

All staff members undergo thorough training on safeguarding procedures, child protection policies, and relevant legislation. This training ensures that staff are equipped to recognise signs of abuse or neglect and know how to respond appropriately.

The applicant has indicated that it is often found and in all RMBC residential children's home that the presence is unknown to anyone outside the neighbours that have been made aware via a planning notice.

Increased overlooking and loss of privacy has also been raised by residents. Although it is acknowledged that there would be the potential for an increase in the number of visitors to the property, there are no external or internal changes proposed to the layout and it is not considered that there would be any material increase in overlooking.

Devaluation of properties and the potential for negative equity has been raised. However, this is not an issue that can be afforded any material planning weight in the determination of a planning application.

Likewise, comments on the use of taxpayer money to purchase the property is not a planning issues that can be given any significant weight. However, CYPS have indicated that the use of tax payer money is to bring Rotherham young people into our in-house service, where they can receive better care results in improved outcomes. Furthermore, this comes at a cost saving compared to the privately owned care homes.

A number of residents have also raised the issues of covenants on the properties in this area preventing a change of use. This too would be a separate legal issue outside of the planning system and cannot be afforded any significant weight in the planning determination.

### **Conclusion**

In conclusion, taking into account the property is a detached dwelling, together with the nature and intensity of the proposed use, it is considered that any noise and activity associated with the proposed use would be akin to the occupation of the residential dwelling as a C3 use and as such the amenity impact on neighbouring residents would be minimal. Furthermore, the presence of several carers at any one time will ensure that the children and young people in care are suitably supervised, which will also help with reducing any impact on the amenity of neighbours.

There are no internal or external changes to the internal and external of the property and no increase in overlooking issues.

Having regard to the above it is considered that the proposed change of use is acceptable, and it is recommended that planning permission be granted.

### **Conditions**

01

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

#### **Reason**

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

02

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

Location Plan BS001 Rev A, Site Plan BS002 Rev A, Floor Plans BS005, received 05/02/24 and 23/02/24

#### **Reason**

To define the permission and for the avoidance of doubt.

03

The premises shall be used as a residential care home only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking and re-enacting that Order with or without modification).

#### **Reason**

The premises are not considered suitable for general use within the Class quoted for amenity and highway reasons.

04

The number of children cared for at the site shall be limited to a maximum of 2 at any one time.

**Reason**

In accordance with the details submitted with the application and for the avoidance of doubt.

05

Before the development is brought into use the car parking area shown on drawing number (Site Plan BS002 Rev A) shall be provided, marked out and thereafter maintained for car parking.

**Reason**

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

**POSITIVE AND PROACTIVE STATEMENT**

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and following the clarifications and submission of an additional supporting statement and did not require any further alterations or modification.