

PLANNING BOARD

Date and Time:- Thursday 3 July 2025 at 9.00 a.m.

Departure for Site Visit 9.00 a.m.

Arrival back at the Town Hall 10.15 a.m.

Meeting commences 10.30 a.m.

Venue:- Rotherham Town Hall, The Crofts, Moorgate Street,
Rotherham. S60 2TH

Membership:- Councillors Mault (Chair), Jackson (Vice-Chair), Adair,
Ahmed, Allen, Bacon, Cowen, Currie, Duncan, Elliott,
Fisher, Hussain, Sutton, Tarmey and Thorp.

This meeting will be webcast live and will be available to view [via the Council's website](#). The items which will be discussed are described on the agenda below and there are reports attached which give more details.

Rotherham Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair or Governance Advisor of their intentions prior to the meeting.

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 12th June, 2025 (Pages 7 – 13)
6. Deferments/Site Visits (information attached) (Pages 15 - 16)

7. Site Visit - Demolition of dwellings and outline application for the erection of 15 dwellings including details of access, appearance, layout & scale at land at Churchill Avenue /Greenland Avenue, Maltby (RB2023/1364) (Pages 17 - 53)
8. Development Proposals (Pages 55 - 101)
9. Changing of Time for Future Meetings
10. Updates

**The next meeting of the Planning Board will be held on
Thursday 24 July 2025 commencing at 9.00 a.m.
in Rotherham Town Hall.**



**JOHN EDWARDS,
Chief Executive.**

Planning Regulatory Board 'Public Right To Speak'

REGISTERING TO SPEAK

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

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

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

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

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

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

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

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

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

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

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

YOUR RIGHT TO SPEAK

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

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

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

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

CONDUCT OF COMMITTEE MEETINGS

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

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

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

MEMBERS' DECLARATION OF INTEREST

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

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

1. Disclosable Pecuniary

☐

2. Personal

☐

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

(Please continue overleaf if necessary)

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

Signed:-

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

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PLANNING BOARD
12th June, 2025

Present:- Councillor Mault (in the Chair); Councillors Ahmed, Allen, Bacon, Cowen, Duncan, Elliott, Fisher, Hussain, Jackson, Sutton, Tarmey and Thorp.

Apologies for absence:- Apologies were received from Councillors Adair and Currie.

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

1. EXCLUSION OF THE PRESS AND PUBLIC

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

2. MATTERS OF URGENCY

There were no matters of urgency for consideration.

3. DECLARATIONS OF INTEREST

Councillor Sutton declared a personal interest in application RB2024/0841 (reserved matters application details of landscaping, scale, external appearance and layout for the erection of 185 dwellinghouses including discharge of conditions 04, 05, 06, 07, 08, 13, 14, 15, 18, 21, 22, 23, 30, 31 reserved by outline RB2022/1638 at land north of Tickhill Road, Maltby for Homes by Honey) on the grounds of objecting to this application prior to coming a member of the Planning Board. She left the meeting whilst discussion took place and did not take part or observe the vote.

4. MINUTES OF THE PREVIOUS MEETING HELD ON 15TH MAY, 2025

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 15th May, 2025, be approved as a correct record of the meeting and signed by the Chair.

5. DEFERMENTS/SITE VISITS

There were no site visits or deferments recommended.

6. DEVELOPMENT PROPOSALS

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

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

- Reserved matters application details of landscaping, scale, external appearance and layout for the erection of 185 dwellinghouses including discharge of conditions 04, 05, 06, 07, 08, 13, 14, 15, 18, 21, 22, 23, 30, 31 reserved by outline RB2022/1638 at land north of Tickhill Road Maltby for Homes by Honey (RB2024/0841)

Mr. J. Pearce (Applicant)
Councillor A. Tinsley (Objector)

- Application to undertake works to trees protected by RMBC TPO 11 (2010) at 2 & 3 Parkstone Place South Anston for Messrs Wild & Stanley (RB2025/0333)

Mr. B. Anderton (Agent on behalf of the Applicants)
Mr. C. Wild (Applicant)
Mrs. T. Stanley (Applicant)
Mr. T. Pask (Supporter)
Mrs. T. Walters (Supporter)

Statements were also read out on behalf of the following who were also supporters to the application:-

Councillor T. Baum-Dixon
Mr. A. Stafford
Mr. A. Singh-Bhatti

- Change of use to Craft Ale & Coffee House (Sui Generis) at 263 Wickersley Road Brecks for Mr A Marples (RB2025/0338)

Mr. A. Marples (Applicant)
Ms. C. Suter (Objector)
Ms. K. Killeen (Objector)

(2) That with regards to application RB2024/0841:-

(a) The Council enter into a satisfactory Legal Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:-

- 25% of the total number of dwellings to be provided on site for affordable housing provision in accordance with the approved plans.
- Education Contribution in line with the Council's adopted formulae towards Secondary/SEND resource within the local area.

- A commuted sum of £500 per dwelling towards sustainable travel encouragement.
- A commuted sum of £181,557 towards improvements to sports facilities for the local community.
- A commuted sum of £40,000 towards the provision of a cycle link between the application site and Glencairn Close.
- Establishment of a Management Company to manage and maintain the areas of Greenspace on site.

(b) subject to the satisfactory signing of the legal agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions listed in the submitted report, an amendment to Condition 1 from Revision D to Revision E on the Amended Boundary Treatment and an additional condition relating to timeframes to read:-

06

The footpath/cycle path shown on the approved plan shall be completed and open for use in accordance with timescales to be agreed in writing by the Local Planning Authority.

Reason

To ensure a provision of a footpath/cycle link to promote sustainable travel.

(3) That application RB2025/0333 be refused for the reason adopted by Members at the meeting and as listed in the submitted report.

(4) That application RB2025/0338 be granted for the reasons adopted by Members at the meeting, subject to the relevant conditions listed in the submitted report and subject to an amendment to Condition 5 regarding to the timings of deliveries to the premises, an amendment to Condition 6 including the words “and activity” having “proposed use” and for an additional condition to be included relating to excluding hours for recycling disposal. Conditions to now read:-

05

There shall be no deliveries/refuse collection to the premises outside the hours of 08.30hrs until 20:00hrs Mondays to Sundays.

Reason

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

06

The proposed use of the premises shall only take place indoors as outlined in the Existing & Proposed Plans, Elevations, Proposed Site Plan & Site Location Plan, dated March 2025 (Drawing No. A25-06-01 - Revision P1). No mobile commercial facilities or seats or tables shall be placed outdoors.

Reason

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

12

No disposal of recyclable waste at the rear of the premises shall take place between 20.00hrs and 08.30hrs

Reason

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

(Councillor Sutton declared a personal interest in application RB2024/0841 (reserved matters application details of landscaping, scale, external appearance and layout for the erection of 185 dwellinghouses including discharge of conditions 04, 05, 06, 07, 08, 13, 14, 15, 18, 21, 22, 23, 30, 31 reserved by outline RB2022/1638 at land north of Tickhill Road, Maltby for Homes by Honey) on the grounds of objecting to this application prior to coming a member of the Planning Board. She left the meeting whilst discussion took place and did not take part or observe the vote)

7. REPORT OF ASSISTANT DIRECTOR OF PLANNING, REGENERATION AND TRANSPORTATION SERVICE

Consideration was given to the report of the Report of the Assistant Director of Planning, Regeneration and Transportation Service which provided details of how at the Planning Board on 21st November, 2024 two 100MW battery storage facilities RB2024/0321 and RB2024/0063 were recommended for approval on the basis that very special circumstances had been demonstrated to overcome the harm by reason of inappropriateness and the harm to the openness of the Green Belt.

Planning Board Members subsequently refused both applications for the following reasons:-

01

The Council considers that the proposed battery storage facility would represent inappropriate development in the Green Belt, would have an adverse impact on the openness of the Green Belt, and would not safeguard the countryside from encroachment. The applicant has failed to demonstrate very special circumstances to justify this inappropriate development and the harm caused to the openness of the Green Belt, and any other harm. As such, the proposal is considered to be contrary to Local Plan Policies CS4 'Green Belt' and SP2 'Development in the Green Belt' as well as the guidance contained within the National Planning Policy Framework (NPPF).

02

Green Lane by virtue of its restricted width and lacking in separate pedestrian facilities is inadequate to cater for the proposed construction traffic associated with the battery storage facility. As such the proposal would be detrimental to both highway and pedestrian safety.

The applicants for both applications have now appealed the refusals and the Planning Inspectorate was looking to consider both appeals jointly by way of a Public Inquiry. Both appellants now argue that the sites fell within the Government's new 'Grey Belt' definition (NPPF revision 12th December 2024) which had been introduced since the original decision and that the battery storage facilities no longer represented inappropriate Green Belt development.

The report now submitted assessed the appellants' assertion and whether the sites did represent 'not inappropriate' Grey Belt development within the Green Belt.

The highways reason for refusal on both appeals were not affected.

Details of the changes to the National Planning Policy Framework were shared with the Planning Board and specifically where it introduced significant changes concerning Green Belt land, notably the formalisation of the Government's "Grey Belt" concept. Specifics were provided on the detail set out in Paragraph 155 where it was stated:-

"The development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:-

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;
- b. There is a demonstrable unmet need for the type of development proposed;
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and

- d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below."

In terms of the NPPF it stated that "For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development."

It was noted that the sites were not considered to be previously developed land, as defined in the NPPF, but were 'any other land' in accordance with Paragraph 143 and its purposes and Footnote 7 relating to sprawl, merging of towns and setting of historic towns.

In this instance, the land to be developed did not fall within, or directly affect, any of the designations referred to in Footnote 7.

On this basis the application sites were considered to be in the Grey Belt. Notwithstanding this view, paragraph 155(a) of the NPPF noted the development should not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. In this instance, the remaining purposes of the Green Belt, set out in paragraph 143 of the NPPF were considered relating to safeguarding the countryside from encroachment and to assist in urban regeneration.

Whilst the appeal sites were considered to meet Paragraph 155(a) for the proposals to be considered as 'not inappropriate' development they must also satisfy all of the criteria from (a) to (d).

In satisfying the criteria it was noted the Council's original Planning Board reports went into significant detail as to the need for the development in terms of achieving net zero and supporting the National Grid's transition to renewable energy. As such it was considered there was an unmet need for this type of development. This was reflected in several appeal decisions where Inspectors have accepted that there was such a need for this type of development.

It was also noted the battery storage facilities were designed to be unmanned with engineers visiting occasionally to ensure the plants were safe and working efficiently. As such there was no conflict with 155(c) or (d) as the "Golden Rules" did not apply in this case.

When considering the implications for the Council's grounds for refusal at appeal for RB2024/0063 and RB2024/0321, the assessments have concluded that both developments were on Grey Belt land and did not represent inappropriate development within the Green Belt.

With this in mind, the Council's first reason for refusal on both applications no longer stood and the Council would not be able to defend such a reason for refusal as part of the appeal process. It was, therefore, recommended that the first reason for refusal on both applications be withdrawn and that the Council accepted that the scheme did not represent inappropriate development within the Green Belt under the revised NPPF.

On this basis the Council still intended to defend the highway reason for refusal on both applications at appeal.

In accordance with the right to speak process, the following people attended the meeting and spoke about the report:-

Mrs. V. Bryan (Objector)

Mr. A. Frost (Objector)

The Planning Board having carefully read the report and listened to the presentation by officers, accepted the decision was difficult.

The Planning Board expressed frustration at the changes made to the NPPF by the Government on 12th December, 2024 and the redesignation of the land from "Green Belt" to "Grey Belt" meaning the Council could effectively only defend the highways reason for refusal at appeal.

Resolved:- (1) That with regards to RB2024/0063 the Council withdraws the reason for refusal citing inappropriate development in the Green Belt.

(2) That with regards to RB2024/0321 the Council withdraws the reason for refusal citing inappropriate development in the Green Belt.

8. **UPDATES**

There were no updates to report.

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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.

ROTHERHAM METROPOLITAN BOROUGH COUNCIL**PLANNING REGULATORY BOARD****VISIT OF INSPECTION – THURSDAY, 3RD JULY, 2025**

Departing from the Town Hall at 9.00 a.m. prompt.

1. RB2023/1364

Demolition of dwellings and outline application for the erection of 15 dwellings including details of access, appearance, layout & scale at land at Churchill Avenue/ Greenland Avenue, Maltby.

Requested by:- Officers and 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.	RB2023/1364	Churchill Avenue/ Greenland Avenue, Maltby,	9.20 a.m.	9.50 a.m.

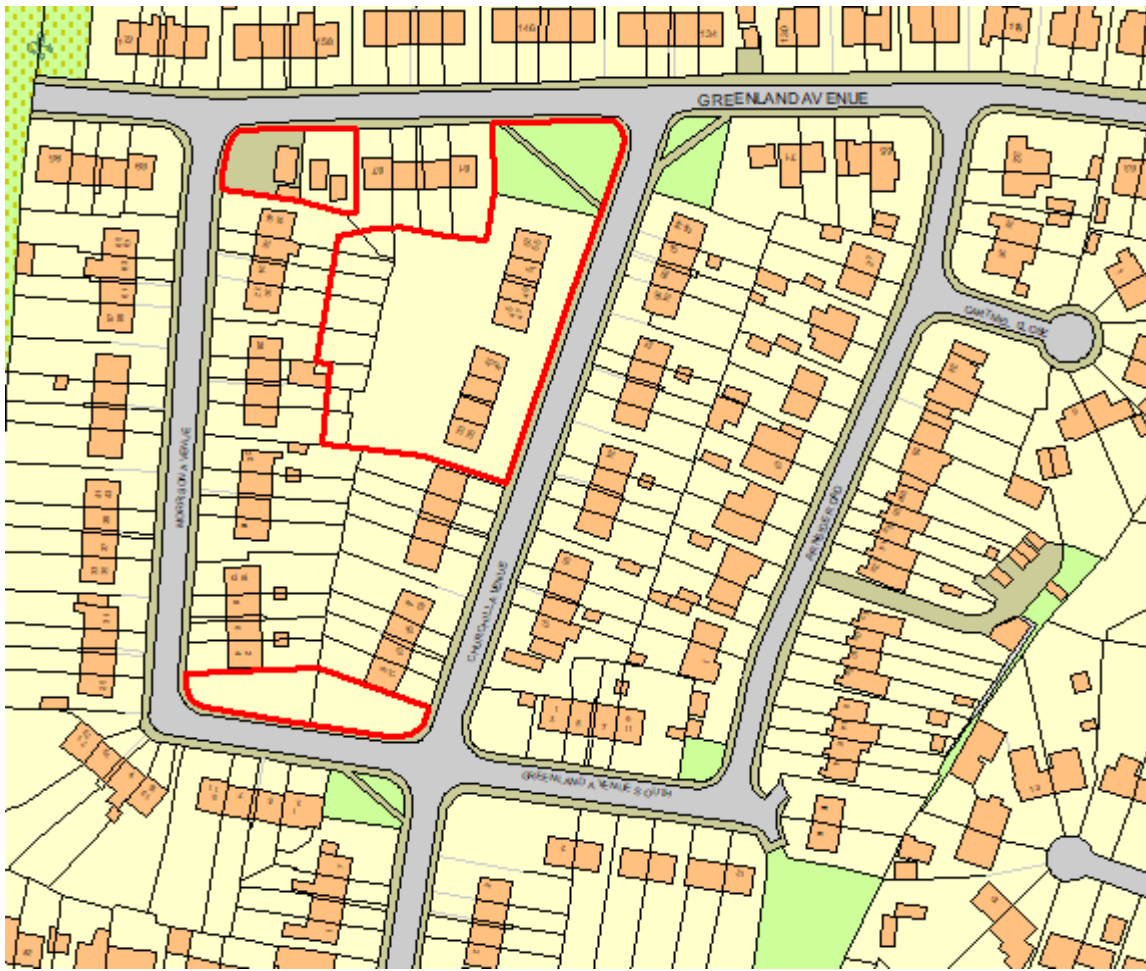
***Return to the Town Hall for meeting to
commence at 10.30 a.m.***

REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 3 July 2025

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

Application Number	RB2023/1364 https://rotherham.planportal.co.uk/?id=RB2023/1364
Proposal and Location	Demolition of dwellings and outline application for the erection of 15 dwellings including details of access, appearance, layout & scale at land at Churchill Avenue / Greenland Avenue, Maltby
Recommendation	<p>A. That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • £76,200 towards off site affordable housing provision • £7,500 towards sustainable transport measures (£500 per unit) • £56,055 towards secondary school education provision (Pupil yield £3,737 x 15 dwellings) • Establishment of a Management Company to manage and maintain the areas of Greenspace on site. <p>B. Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>

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



Site Description & Location

The application site consists of various small parcels of land in and around Greenland Avenue, Maltby.

Site A forms a small parcel on the corner of Greenland Avenue and Morrison Avenue. The site is mainly hardstanding with garages sited on.

Site B consists of a grassed area of land on the corner of Greenland Avenue and Churchill Avenue, as well as two blocks two-storey flat roof dwellings.

Site C consists of existing rear gardens of properties on Morrison Avenue.

Site D forms an area of land along Greenland Avenue South and is currently grassed over. To the north and south are residential dwellings.

The surrounding streets, Morrison Avenue, Churchill Avenue, Greenland Avenue and Greenland Avenue South all consist of residential dwellings of varying styles and ages.

Background

There have been no planning applications submitted previously that relates to this land that would impact on this current proposal.

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 application is for the demolition of the two dilapidated blocks, containing 8 residential dwellings on Churchill Avenue and outline permission for the erection of 15 dwellings with details of access, appearance, layout & scale being considered.

The 15 dwellings would be two-storey and would be sited on Sites A, B and C, with Site D being an area of Public Open Space with tree planting.

On site A, two-dwellings are proposed, the properties would face Morrison Avenue. Plot 14 would have parking to the front and garden areas to the front and rear, while the adjoining Plot 15 would have parking to the rear, accessed off Greenland Avenue and be provided with a front, side and rear garden areas.

On sites B and C, the remaining 13 properties would be provided, along with a grassed area to the corner on Greenland Avenue and Churchill Avenue. 2 properties would front Greenland Avenue, 6 more properties would be sited fronting Churchill Avenue with a private drive between the two blocks. The private drive would open up and 5 more properties sited, which includes a pair of semis and a block of 3 dwellings.

The private drive would provide a turning facility and each property would be provided with two parking spaces and rear gardens.

Matters relating to landscaping are reserved to be considered later via a reserved matters application.

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

Planning Statement

The statement provides details of the site, the area, the proposals and a policy assessment.

Phase I Site Investigation

A Phase I Environmental Assessment has been submitted to determine the potential for land contamination issues arising from the current or historical uses of the site and surrounding area; and provide an assessment of potential risks that identified land contamination issues may pose.

The report identifies low to moderate risks to the identified receptors associated with potential land contamination.

It sets out several actions that should be incorporated to manage the identified potential land contamination risks.

Arboricultural Survey

The purpose of the survey and report is to identify the quality of woody vegetation over 75mm diameter on site to determine retention potential. Also, the survey will show the extent of canopy spreads, and Root Protect Area calculations, based on the BS5837:2012 standard to determine the development potential of the site. It aims to give a balanced judgment of the condition of any trees, hedges, and groups, which may be affected by a planning proposal, and where necessary, any future management. General information and guidance on the impacts of any proposed development may be given. The information provided in this report has been compiled in accordance with the relevant British Standard-BS5837:2012- 'Trees in relation to design demolition and construction recommendations.

This report includes an evaluation of the tree(s) on the day the site visits were made. Where access was limited, measurements were estimated. This report takes into account findings from these visits. Where similar trees are growing in large groups, their height and diameter may be estimated. Trees were surveyed if they affected the site and if their diameters at 1.5m exceeded 150mm in a woodland setting (75mm for individual trees).

Arboricultural Impact Assessment

The purpose of this Arboricultural Impact Assessment report was to advise on any Arboricultural issues which relate to a proposed development. An initial Arboricultural Survey site visit was carried out on the 23rd April 2024 by Selwyn Trees. The survey was carried out in accordance with BS5837: 2012- 'Trees in relation to Design, Demolition and Construction.

6 x trees and 4 x groups of trees were surveyed. All trees surveyed were assigned either BS5837:2012 retention category B or C.

2 Trees and 4 groups of trees are to be removed.

Preliminary Ecological Appraisal

The site was deemed to have some suitability for sheltering and commuting amphibians. Recommendations with regards to amphibians are given in the conclusion of this report.

Buildings are present on site, deemed to exhibit low suitability for roosting bats and two trees on site are deemed to have low suitability for roosting bats. Recommendations regarding these habitats are given in the conclusion of this report.

No suitable habitats for badgers were recorded within the site. No further survey effort is recommended.

The site habitats display some suitability to support breeding birds. If vegetation removal is required to facilitate the development within the breeding bird season (March to August), a nesting bird survey must be conducted by a suitably qualified ecologist.

Site habitats were deemed to have very limited suitability to support sheltering or commuting reptiles due to its small nature and high disturbance levels. No further survey effort is recommended.

The site was deemed to have some limited suitability for commuting hedgehog. Recommendations with regards to European hedgehogs are given in the conclusion of this report.

No suitable habitats for significant invertebrate assemblages were recorded within the site. No further survey effort is recommended in reference to invertebrates.

No suitable habitats for riparian mammals were recorded within the site or adjacent. No further survey effort is recommended in reference to riparian mammals.

Species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were recorded within the site. Japanese Knotweed (*Fallopia japonica*) was present within the site, a likely result of fly tipping. No species listed on Schedule 8 of the Wildlife and Countryside Act 1981 were recorded within the site.

The proposals for the site include development that is deemed to be subject to Biodiversity Net Gain. The baseline value of the onsite habitats is given in section 7 of this report.

Bat Activity Survey

No evidence suggesting use by bats was recorded during the survey. The buildings within the site were assessed for suitability for use by bats as a roost or a place of shelter. The buildings were recorded as demonstrating features which have limited potential for use by roosting bats and when assessed by a licenced bat ecologist were categorised as offering low roost suitability. Consequently, a single dusk bat activity survey was recommended to ascertain bat presence/ likely absence.

Financial Viability Appraisal

The report provides details of the site, the application, the planning context, details of proposed development costs and a financial appraisal of the site.

The assessment concludes that the appraisal has shown that the development fails to generate a Residual Land Value that matches or exceeds the Benchmark Land Value and overall the scheme is unable to sustain any Affordable Housing or Section 106 Financial Contributions; and believe that to encourage the regeneration to come forward the Affordable Housing and developer contribution policies should be relaxed in respect of this application.

Biodiversity Enhancement Plan

The purpose of the Biodiversity Enhancement Plan is to satisfy planning comments applied to the application by the local authority ahead of development and provide a framework for enhancing biodiversity on site with a focus on sustainable ecological enhancement of the wildlife value of the site.

It is proposed that:

- Three Habitat bat boxes (custom facing) are integrated into three of the new dwellings;
- One Swift nest box (triple cavity) on one of the buildings;

- One integrated House sparrow nest box to be installed within the gable of one of the plots; and
- All boundary treatments should be designed to allow passage for small mammals. Any close board fencing or gravel boards along the site boundary should have an arch shape, no more than 15cm wide x 13cm high in each alternate panel to provide passage for small mammals including hedgehogs between the site and land outside the site boundary.

Biodiversity Net Gain Report

The total baseline habitat biodiversity units for the site were calculated at 1.22 units. Hedgerow units were calculated at zero linear units, with no river units present on site. No irreplaceable habitats are present at the baseline.

The total biodiversity units of on-site habitats post development are 1.23 units for habitats, with no new hedgerow units proposed.

Overall, the proposals for the development site will result in a gain of 0.01 biodiversity units for area habitats, representing a +0.76% net gain for area habitat units.

The majority of the no net loss has been achieved via the planting of 18 new small trees of moderate condition on modified grassland and other neutral grassland habitats on site D to the south of the development and the planting of 10 new small trees of moderate condition on modified grassland habitat on site B to the north east of the development.

Construction Environment Management Plan (Ecology)

The aim of the Construction Environmental Management Plan (CEMP) for Ecology is to set out the responsibilities regarding compliance with legislation and to implement any mitigation measures.

Development Plan Allocation and Policy

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

The application site is allocated for 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):

CS7 'Housing Mix and Affordability'
CS14 'Accessible Places and Managing Demand for Travel'
CS19 'Green Infrastructure'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscapes'
CS25 'Dealing with Flood Risk'
CS26 'Minerals'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS30 'Low Carbon and Renewable energy generation'

CS33 'Presumption in Favour of Sustainable Development'
SP11 'Development in Residential Areas'
SP12 'Development on Residential Gardens'
SP26 'Sustainable Transport for Development'
SP32 'Green Infrastructure and Landscape'
SP33 'Conserving the Natural Environment'
SP35 'Protected and Priority Species'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP55 'Design Principles'
SP56 'Car Parking Layout'
SP64 'Access to Community Facilities'
WCS7 'Managing Waste in All Developments'

Other Material Considerations

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

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

National Planning Practice Guidance (NPPG)

South Yorkshire Residential Design Guide

National Internal Space Standards

Supplementary Planning Document

- Air Quality and Emissions
- Affordable Housing
- Natural Environment
- Transport Assessments, Travel Plans and Parking Standards
- Development Viability
- Biodiversity Net Gain

Maltby Neighbourhood Plan

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 20 letters of representation have been received from individual local addresses, Maltby Town Council, local councillors and a local action group (Big Power for Little London). The issues raised by local residents are summarised as:

- The landlord should not be given more houses that they can neglect and more tenants that he can mistreat.

- The landlord has no intention of fulfilling this planning application. The residents of Little London and the surrounding areas deserve better than this back of a cigarette packet planning application.
- I support Big Power for Little London in their campaign to turn the derelict land into a community garden or similar.
- The application should not be allowed because the applicant cannot or will not maintain the housing stock that he already owns on this estate.
- The derelict houses belonging to him are causing a vermin infestation in the locality, many of his properties suffer from damp and mould which is very much in the news this year due to the death of a child in another area that was attributed to the said conditions.
- The number of dwellings proposed is too high and it will cause serious traffic and noise impact on very limited access and narrow public roads.
- An increase in poorly managed dwellings by the owner of the houses is not supported by me or the residents and neighbours in surrounding areas I talk to.
- Residents have very little access to green space and children and young people have the benefit of very few safe, accessible activities. We are motivated by the shared need for safe and accessible activities for our children, and green spaces for everyone, to increase health, wellbeing and quality of life.
- Our group and our supporters throughout Maltby and Rother Valley are committed to organising residents and working towards these goals, and we invite RMBC to work with us in this regard. It is our intention to publicly campaign for the derelict site to be turned into a community resource that meets these currently unmet needs.

The issues raised by the Local Councillor are summarised as:

- Little London and the housing on Churchill Avenue have been a blot on the estate for many years. Whilst the potential for redeveloping the estate shows the potential for improving the estate and is loosely welcomed, we would like to see more of the estate redeveloped, which would have seen a larger improvement in housing and living conditions.
- There isn't much confidence in the developer to deliver this project and most around Little London would see this as a delaying tactic. I would like to be proved wrong on that assumption and would welcome the developer to outline a timeline for any works being carried out as well as having open conversations with the residents.
- Residents would welcome some community space where events could be held and a safe area for Children to play in.
- I have noticed on the plan the southern POS will this be managed by the developer.
- The area is of historical significance with the area built during WWII for Royal Ordnance Factory workers.
- The new development should match the existing architectural character (flat roofs, simple elevations) to avoid visual contrasts and community resistance.
- Churchill Road needs traffic calming measures (speed humps, signage, 20mph zones) due to speeding and unsafe driving.
- There are doubts about the current owner's intent/capacity for meaningful regeneration; need enforceable conditions for demolition/construction timeframes.
- The Landowner should commit to timely and visible progress; community deserves more than an undeveloped granted application.

- The CIL contributions should be ringfenced for estate improvements (landscaping, lighting, communal spaces) in Little London.

Maltby Town Council have commented as follows:

- Whilst in principle the Council agree to the development, they would like to see the development incorporate a play area or public space for use by the community. The Council believe that a safe area for the community should be a priority and is currently not present in the development.

The local action group Big Power for Little London have raised the following:

- Request for members to visit the site.
- This should not be taken as a serious planning application. The planning application for 15 dwellings on Churchill Avenue is a planning application in name only. It is not a serious plan to develop the houses and land on Churchill Avenue. There's an inadequate level of detail provided by the applicant for interested parties to respond in a meaningful way. The plans show no evidence of input from a single planning professional.
- The derelict houses and land on Churchill Avenue have been abandoned by the applicant for nearing 10 years, and have attracted vermin and anti-social behaviour, and are a risk to our children. Despite many previous planning applications. The applicant has failed to develop the derelict land and buildings. He also owns a large number of poorly maintained and managed properties on the estate, which often include serious health hazards, putting the health and wellbeing of their residents at risk.

1 letter of support has been received.

5 Right to Speak Requests have been received from local residents, a local councillor and the applicant.

Consultations

RMBC Transportation Infrastructure Service: No objections subject to conditions.

RMBC Affordable Housing: No objections.

RMBC Environmental Health: No objections subject to conditions.

RMBC Education: An Education contribution would be requested for Secondary/SEND, as per our S106 policy, with the majority of Maltby Academy year groups being oversubscribed.

RMBC Drainage: No objections subject to conditions.

RMBC Trees and Woodlands: No objections subject to conditions.

RMBC Landscapes: No objections subject to conditions.

RMBC Land Contamination: No objections subject to conditions.

RMBC Public Health: No objections.

RMBC Ecology: No objections subject to conditions.

South Yorkshire Archaeological Service: No objections.

Severn Trent Water: No comments received.

SY Police Architectural Liaison Officer: No objections.

Rotherham NHS CCG: No objections.

SY Combined Mayoral Authority: No objections.

Appraisal

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

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

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

The main considerations in the determination of the application are:

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

Principle

The application sites are allocated for residential purposes within the adopted Local Plan as such the principle of residential on these sites are acceptable and in accordance with policy SP11 'Development in Residential Areas'.

SP11 states that areas allocated for residential 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.

Further to the above part of site B and C form part of existing rear gardens of properties. Accordingly, policy SP12 'Development on Residential Gardens' is also relevant.

Policy SP12 states: *"Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:*

- a. the proposals would allow for a comprehensive scheme in the wider area to be achieved in the future; and*
- b. the proposal does not harm the amenity of existing properties by overlooking, loss of privacy, loss of light or obtrusiveness; and*
- c. development would not result in harm to the character of the area."*

The development hereby proposed would satisfy the three criteria listed above. The scheme is a comprehensive scheme; the scheme would not affect the amenity of existing properties and the development would enhance the character of the area.

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."*

With regard to the above, the viability of the site has been challenged by the applicant and this has been independently assessed by the District Valuer. The assessment concluded that the scheme cannot provide any affordable units on site, but it can achieve a commuted sum towards affordable housing provision in the Borough, this is explained further in the report.

It should be noted that given the current dilapidated state of the buildings on site and in order to ensure that they are demolished as quickly as possible, it is considered reasonable to adjust the time limit for submission of the reserved matters to 1 year given only landscape is to be reserved. Furthermore, the implementation of the permission is to be amended to 2 years from the date of this permission or 1 year from the final approval of reserved matters. This has been agreed with the applicant.

Therefore, having regarded to the above the principle of development is acceptable.

The NPPF specifies at paragraph 11 that decisions should apply a presumption in favour of sustainable development, which means *"approving development proposals that accord*

with an up-to-date development plan without delay...” This is further supported by policy CS33 ‘Presumption in Favour of Sustainable Development’.

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

Access to Community Facilities

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

The site is in close proximity to appropriate facilities and amenities, including an area of greenspace to the south-west, which is accessed off Salisbury Road, in addition an area of greenspace is proposed as part of the proposals, as such the scheme would satisfy this policy and would be sited in a sustainable location.

Healthy and Equal Communities

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

The Checklist has been submitted with the application and the Council’s Public Health Service have raised no objections to the site being developed.

Affordable Housing

Policy CS7 ‘Housing Mix and Affordability’ indicates that there is a requirement to provide 25% of the total number of dwellings as affordable homes for a development of this size unless it can be demonstrated that the site is not financially viable.

The applicant has challenged the viability of the scheme, which has been independently assessed by the District Valuer and a Quantity Surveyor.

The District Valuer has acknowledged that the scheme is not viable to provide a fully policy compliant scheme (i.e. 25% affordable housing on site, plus the s106 contributions listed above).

The applicant has made several rebuttals to the above conclusion citing some disagreements with the application of fees to the external build costs and the 10% contingency. However, the DV have maintained that the scheme can provide the above contributions and it remains viable for the applicant, although the applicant also maintains their position.

Therefore, the DV suggested that given the impasse and in order to come to some kind of resolution, an option to build a mechanism into the s106 that would allow for a late stage review of the development could be agreed, whereby if the scheme, once commenced, is unable to support the aforementioned s106 obligations either in full or in part, the obligations would fall away. Conversely, if build costs were lower and final sale prices were higher, additional funds would be available.

The above suggestion would allow for actual build costs and sales prices to be submitted as evidence to support a future viability challenge to demonstrate the scheme is unviable and it is proposed that a trigger point of 50% of the units for this review. This approach has been agreed with the applicant and would be built into the s106 legal agreement.

Design, Scale and Appearance

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

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

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

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

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

With regard to the layout of the whole development, it is considered that it has been sympathetically designed, with those properties occupying the corner plots being suitable sited to ensure active frontages on both road frontages, furthermore those within the cul-de-sac are suitably sited in respect of impact on neighbouring properties.

The dwellings are provided with sufficient off-street parking and private amenity spaces in line with the relevant guidance. Furthermore, the two-storey dwellings would be in keeping with the older properties on the surrounding street and their siting ensures that there is sufficient inter-house spacing standards, while outlook will not be compromised, and they will not overlook or have any overshadowing that would be at a level that would adversely affect neighbouring residents.

With regard to the design of the properties they are acceptable and raise no design issues. Whilst there are flat roof properties in the area, properties on neighbouring streets consist primarily of dwellings with pitched roof forms, such that the introduction of pitched roof dwellings on this site would not be at odds with the wider character of the area. Furthermore, the introduction of pitched roofs is more traditional and visually pleasing than flat roofs, in addition pitched roofs are more durable than a flat roof and thus will not impinge on the ability of future residents to maintain their properties, moreover some mortgage lenders may view flat roofs as non-standard construction and therefore higher risk, potentially leading to fewer lenders, higher interest rates, and stricter requirements for future residents.

Overall, the design, size, scale, form and proposed materials will ensure the development would not be at odds with the character of the immediate surrounding area and would not introduce an incongruous feature.

The scheme as a whole would significantly improve the character and appearance of this site and the wider immediate area by removing the existing severely dilapidated dwellings which have a considerably negative impact on the visual amenity of the area.

Having regard to all of the above, it is considered that the scale, layout, appearance and design of the proposed development achieves an efficient use of the land 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 have a significantly positive impact on the character of the immediate surrounding area from a visual design aspect. In addition, the proposed materials would

be sympathetic to the area which has a mix palette of materials. Moreover, the dwellings in terms of size, scale, form and design would be acceptable.

Therefore, for the reasons set out above and subject to conditions the proposed development would be in compliance with the local and national planning policies and guidance referred to and as such would not give rise to any design issues.

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.

Highways

Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios."*

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 115 and 117 of the NPPF.

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

The Council's Transportation Infrastructure Service have indicated that the site layout plan demonstrates that a fire appliance size vehicle can turnaround within the private drive. In addition, the plan shows a dropped crossing into the private drive, furthermore whilst it is not required on private drives the applicant has also provided internal footways on the private drive.

The access is therefore considered to be acceptable in highway terms and will not have an adverse or severe impact on highway safety.

The parking provision for each dwelling is in accordance with the Council's parking standards set out within the adopted SPD 'Transport Assessments, Travel Plans and Parking Standards'.

Furthermore, there is a requirement for a contribution of £500 per dwelling (£7,500) to be paid towards the promotion of sustainable transport which will be secured via a legal agreement.

It should also be noted that the proposed vehicle access to site B, may also be affected by existing BT apparatus. Should this be the case then contact should be made with the Utility company in order for arrangements to be agreed to relocate the apparatus, at the applicant's expense. Similarly, there are street lighting columns that appears as though they will affect both vehicle access points in site A. Should the proposed formation of the driveway affect this lighting column, then contact should be made with Rotherham MBC's Streetpride Department in order for arrangements to be agreed to relocate the lighting column at the applicant's expense.

In light of the above, it is considered that there are no justifiable reasons to refuse planning permission on highway / transportation grounds subject to relevant conditions.

Landscapes and Trees

CS19 'Green Infrastructure' states: *"Rotherham's network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas... Proposals will be supported which make an overall contribution to the Green Infrastructure."*

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

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

Whilst matters relating to landscape are not being considered under this application and will form the basis of the reserved matters application which will be submitted at a later date, but before works can commence, it is noted that the plans show an area of landscaping is shown on Site D which is a parcel of land along Greenland Avenue South and is currently grassed over. The precise details of this landscaped area will form part of the reserved matters application.

Notwithstanding the above, the proposed landscape area in general is acceptable subject to specific details being submitted with the reserved matters application.

Further to the above, there are some trees on and / or close to the application site. A Tree Survey with Impact Assessment has been submitted and the contents of it are acceptable.

It is acknowledged that access was very limited for some retained trees and their value and condition assessment may need revising following a more detailed assessment.

The survey details 4 category B trees and several lower value category C trees. Two category B trees are to be removed and 4 category C groups are to be removed, as part of the new development.

Indicative tree planting has been detailed on the tree plans and a detailed tree planting mitigation plan will be required to compensate for the tree losses. A detailed Arboricultural Method statement / Tree Protection Plan will be required, and this can be in the form of planning conditions.

Therefore, in light of the above and subject to conditions the proposed development will raise no concerns regarding the loss of trees and the future landscaping of the site. As such the scheme would comply with the policies and guidance referred to above.

Ecology / Biodiversity

Paragraph 187 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

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

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

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

A Preliminary Ecological Appraisal Report and subsequent Bat Activity Survey have been provided with the application.

Bats

In line with the findings of the ecology report the site a dusk bat survey was required. This has been submitted and shows that the site has low potential to support roosting bats.

Breeding Birds

In line with the report, it will be conditioned that if any vegetation or structures are required to be removed as part of the development then this should be undertaken outside of the bird breeding season (March to August inclusive).

Great Crested Newts

There are great crested newts present in the local wildlife site Greenland Plantation. As the site contains some suitable habitat for GCN and common amphibians on-site a Construction Environmental Management Plan (CEMP) has been submitted with the application and is considered to be acceptable. Accordingly, the document will be conditioned.

Biodiversity Enhancements

The site will require some biodiversity enhancements on-site in the form of bat roosting features, bird nesting boxes and hedgehog holes. This is in line with the National Planning Policy Framework Paragraph 180 (d) stating that opportunities to improve biodiversity in and around development should be integrated as part of their design.

This should include one of each of the below:

- 1 bird box integrated into the building on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Schwegler Brick Box Type 24, Woodstone Sparrow Nest Box or an equivalent suitable for tits, sparrows or starlings. The boxes should be located between two to four metres high, ideally at the gable apex or at eaves. The box can be installed flush with the outside wall and can be rendered or covered so that only the entrance hole is visible.
- 1 swift box integrated into the building on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Manthorpe 'GSWB' Swift brick or the Vivara Pro Cambridge Brick Faced Swift Nest Box. Alternatively, RSPB Swift Box may be more suitable for the development. The box(es) should be located high within the gable wall, ideally above 5m high, below the overhang of the verge and barge board.
- 3 bat boxes should be integrated into buildings on a southerly aspect / orientation (south, south west, and south-east). Boxes should be located a minimum of 2 metres, but ideally 5-7 metres above ground, in a position near the eaves or gable apex. Placement should avoid windows, doors and wall climbing plants. Hedgehog holes can be created by 13x13cm holes at ground level within fences, or by leaving a sufficient gap beneath gates and/or leaving brick spaces at the base of brick walls. To ensure holes are kept open 'Hedgehog Highway' signage should be provided and secured above the holes.

A Biodiversity Enhancement Plan has been submitted in support of the application which indicates that the following enhancements will be included in the design of the development:

- Three Habitat bat box (custom facing) are integrated into three of the new dwellings;
- One Swift nest box (triple cavity) on one of the buildings;
- One integrated House sparrow nest box to be installed within the gable of one of the plots; and
- All boundary treatments should be designed to allow passage for small mammals. Any close board fencing or gravel boards along the site boundary should have an arch shape, no more than 15cm wide x 13cm high in each alternate panel to provide passage for small mammals including hedgehogs between the site and land outside the site boundary.

The document has been considered and is deemed to be acceptable. Accordingly, compliance with the document shall be conditioned.

Biodiversity Net Gain

The application is not subject to mandatory biodiversity net gain as it was submitted prior to 12th February 2024 mandatory date but in line Policy SP33 'Conserving the Natural Environment' the application will need to demonstrate no net loss as a minimum.

The total baseline habitat biodiversity units for the site were calculated at 1.22 units. Hedgerow units were calculated at zero linear units, with no river units present on site. No irreplaceable habitats are present at the baseline.

The total biodiversity units of on-site habitats post development are 1.23 units for habitats, with no new hedgerow units proposed.

Overall, the proposals for the development site will result in a gain of 0.01 biodiversity units for area habitats, representing a +0.76% net gain for area habitat units.

The majority of the no net loss can be achieved via the planting of 18 new small trees of moderate condition on modified grassland and other neutral grassland habitats on site D to the south of the development and the planting of 10 new small trees of moderate condition on modified grassland habitat on site B to the north east of the development.

Accordingly, whilst landscape is reserved for future consideration, the aforementioned planting scheme would comply with the policies and guidance referred to above and the details of the planting in Site D and Site B will come forward as part of the first reserved matters application.

Drainage and Flood Risk

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

The Council's Drainage Engineers have confirmed that the development of this site would not result in flooding issues either to this site or to neighbouring sites and the site does not suffer from Surface Water drainage issues.

The Council's Drainage Engineers have indicated that they have no objections to the development subject to a condition requiring the submission of foul, surface water and land drainage systems details before commencement of development.

Therefore, subject to the above condition the application would raise no drainage or flood risk issues and would comply with the policies referred to above.

Air Quality and Sustainability

Policy CS30 'Low Carbon & Renewable Energy Generation' states: *"Development must seek to reduce carbon dioxide emissions 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 117 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 Council's adopted SPD 'Air Quality and Emissions' requires all new dwellings with in-curtilage car parking to be provided with an EV charging point. No details have been submitted in this respect as such the Council's standard condition will imposed on any approval to ensure that the EV charging point for each dwelling is provided before each dwelling is occupied and is thereafter maintained and retained.

Having regard to the above it is considered that subject to conditions, the development will comply with the requirements of adopted Local Plan policy CS30, the adopted SPD 'Air Quality and Emissions' and paragraph 116 of the NPPF, all of which emphasise sustainable development, energy efficiency and reduction in carbon emissions.

General amenity issues

Paragraph 135(f) of the NPPF states planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

In relation to construction, while some noise is to be expected with development works of this scale it is important to limit the impact of the works on existing nearby residents. Good construction practice and appropriate consideration of working hours should ensure that this occurs and these matters will be conditioned.

Impact on existing / proposed residents

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

The South Yorkshire Residential Design Guide (SYRDG) notes that: *"For the purposes of privacy and avoiding an 'overbearing' relationship between buildings, the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres. This also*

corresponds to a common minimum rear garden or amenity space of about 10 metres in depth.”

The SYRDG further goes on to note that in respect of ensuring adequate levels of daylighting, back-to-back distances should, as appropriate to specific circumstances, be limited by the 25 degree rule. Furthermore, so as to avoid an overbearing relationship, the SYRDG additionally requires back to side distances and the extent of rear extensions to be limited by the 45 degree rule.

Further to the above the NPPF at paragraph 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.*”

In respect of the above policies and guidance, it is noted that the impact of the proposed dwellings on the amenity of existing neighbouring residents would meet the inter-house spacing standards detailed above. Furthermore, the inter-house spacing standards between the proposed dwellings would also meet the standards above. Therefore, the impact on future residents would be in compliance with SP55 ‘Design Principles’ and the relevant paragraphs of the NPPF referred to above. Accordingly, due to the size, scale, form, design and siting of the proposed dwellings, together with land levels, boundary treatment and orientation, there would not be a significantly adverse impact, in terms of appearing oppressive and overbearing or give rise to levels of overlooking or overshadowing that would have a significant adverse impact on the living conditions of existing neighbouring residents.

The proposals would result in the reduction in length of some gardens on Morrison Avenue to accommodate the development. However, the residual rear gardens of properties on Morrison Avenue would still ensure that the future occupants of those properties are provided with private rear garden sizes in accordance with the South Yorkshire Residential Design Guide. Moreover, the distance from the rear of those properties on Morrison Avenue to the rear garden and rear elevations of the proposed properties, would satisfy the spacing standards set out in the South Yorkshire Residential Design Guide.

The scheme has therefore been designed to take into account the character of its immediate surroundings, insofar as the dwellings hereby proposed have been sited a suitable distance from both rear gardens and rear elevations of surrounding properties.

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 135(f) of the NPPF, Local Plan policies CS27 ‘Community Health and Safety’, SP52 ‘Pollution Control’ and the South Yorkshire Residential Design Guide.

Land Contamination

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

will be taken to address existing problems of land contamination, land stability or air quality.”

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

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

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

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

Within the former garden areas of Site A, substantial stockpiles/disposal of unknown waste has occurred, with surface cover materials comprising demolition rubble, broken bricks, tiles, asphalt, fly tipped material and litter. It is known that the properties located on this parcel of land formally contained asbestos containing materials and it is likely that surface soils have been impacted by asbestos.

Historical maps depict the application site has having been part of a field in a largely undeveloped area from circa 1850 to the 1930’s. By 1948 the site had become occupied by a number of residential properties, to include the current site buildings and those on Morrison Avenue, Greenland Avenue and Churchill Avenue. Small outhouses appear to have been constructed around many of the properties by the mid-1970s, but otherwise,

the building layout at the site and in the area around it have remained the same since the houses were built.

Aerial photograph records indicate that some clearance activities around the site properties were undertaken around 2015 and that by 2022, the small outbuildings near each of the properties had been removed.

Historically, the land was in use as open field/agricultural land prior to becoming occupied by residential properties with associated out houses and domestic garages. It is common knowledge that these houses were constructed for short term use only, to house residents who worked in the Royal Ordnance Factory (ROF) established in the 1930s for rifle manufacturing.

It is known that a number of these residential properties have been stripped out as part of significant upgrade works along with the demolition of various structures. However, the upgrade works were abandoned and the land was left as derelict land. Stockpiling of demolition rubble, waste disposal and fly tipping have all occurred at the site. It is considered likely that shallow made ground will now be present across the site which has the potential to be affected by contamination. Such contaminants may include:

- 1) Presence of naturally occurring metals in the soil
- 2) Presence of heavy metals/metalloids, PAHs, sulphates associated with the former buildings on site
- 3) Presence of asbestos fibres/fragments
- 4) Presence of PAHs
- 5) Unknown contaminants associated with significant volumes of stockpiled material and fly tipped waste
- 6) Ground gas

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.

Based on the above it is considered that a Phase II Intrusive Site Investigation be undertaken to confirm the ground conditions across the site and to assess for any contamination which may exist within the surface soils at the site.

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.

Therefore, in respect of land contamination it is considered that conditions requiring the submission of additional information is required, but appropriate mitigation is likely to be acceptable to allow the sites to be developed for residential.

Archaeology

South Yorkshire Archaeology Service have indicated that there are no archaeological concerns with developing the application site(s).

The sites comprise an area of mid-20th century housing built on former agricultural land, the boundary form of which is suggestive of piecemeal enclosure from woodland clearance in the early post-medieval period. Although the wider area is known to have been occupied from the Iron Age, the nature of previous land use, and the anticipated level of impact from the extant development, is such that the site has minimal potential for coherent archaeological remains.

No archaeological work is recommended and there are no archaeological objections to the proposed development.

Impact on Education / GPs

With regard to the impact on schools, the Education Service have noted that an Education contribution is required for Secondary/SEND due to the majority of Maltby Academy year groups being oversubscribed. The figure has been calculated to be £56,055 and will be secured via a legal agreement. This has been calculated on the basis Education Contributions Policy (2024) which equates to a pupil yield for secondary school places of £3,737 multiplied by the number of dwellings (15 dwellings).

NHS have indicated that similar to other recent applications for Maltby, this development is small enough that it wouldn't have a particular impact on existing services when reviewed in isolation.

Issues raised by objectors

The majority of the objections received do not relate to material planning considerations. Those that are material considerations have been addressed in previous sections of the report and it is considered that the scheme subject to conditions would overcome those material planning considerations raised by local residents.

For clarification matters relating to the applicant, their business operations, their potential intentions for the site, their ability to bring forward the development and hearsay are not material planning considerations, and no weight can be afforded to those matters in the determination of the application, or in weighing up the planning balance and are not justifiable planning reasons for refusal.

In addition, prospective proposals from local residents and the action group about wanting to turn the site into a community garden, is noted but the applicant is the landowner and a decision can only be made on the plans in front of the Council and having regard to planning matters only. The applicant controls the land and would have to sell the land to local residents and / or the action group, which the Council has no control over and is not a planning matter.

Moreover, the request for the CIL contributions to be ringfenced for this area, are noted but the CIL regulations do not allow for funds generated by a single development to be ringfenced for a specific area. As with all CIL monies generated by developments in the Borough, the money is pooled together and bids can be made to access money for certain infrastructure improvements as set out in the Council's adopted CIL policy and the national guidelines.

Planning Obligations

The Community Infrastructure Regulations 2010 introduced a new legal framework for the consideration of planning obligations and, in particular, Regulation 122 (2) of the CIL Regs states:

"(2) Subject to paragraph (2A), A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development;*
- (c) fairly and reasonably related in scale and kind to the development."*

All of the tests must be complied with and the planning application must be reasonable in all other respects. This is echoed in Paragraph 57 of the NPPF.

In respect of obligations, as set out in previous sections of the report £7,500 is to be secured via a s106 for payment towards sustainable transport promotion in the Borough, which is calculated at £500 per unit); and a further sum of £56,091 towards Secondary education in the local area (Maltby Academy).

Furthermore, as previously stated the scheme is not viable to provide a fully compliant scheme of 25% of the total number of dwellings on site being affordable homes as required by policy CS7 'Housing Mix and Affordability'.

The applicant challenged the viability of the scheme, which has been independently assessed by the District Valuer, who have confirmed the scheme is not viable to provide a fully policy compliant scheme (i.e. 25% affordable housing on site). However, the DV have indicated that a scheme which provides the following contributions is deemed to be viable to provide a commuted sum of £76,200 towards off site affordable housing provision in the Borough in lieu of an on-site provision.

As mentioned previously in the report there will be a mechanism within the s106 for a late-stage review of viability which may or may not amend the figures for affordable housing, education and sustainable transport.

In light of the above and subject to the signing of a s106 with the proposed mechanism for further review being incorporated the scheme can be supported from a viability perspective and would comply with policy CS7.

Other considerations

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

Further to the above, as the application is classed as a major development and in line with policy CS10 'Improving Skills and Employment Opportunities', the Council's standard planning condition relating to Local Labour Agreements for the construction phase to

ensure a high percentage of the workforce on the construction phase is from the local area will be imposed on any approval.

Conclusion

Having regard to the above it is considered that the proposals put forward are considered to represent an efficient use of land which provides a suitable scheme in line with adopted Local Plan policies, SPDs and Design Guides, as well as National Planning Policies and Guidance. The design of the development ensures there is sufficient space between existing and proposed properties, sufficient in-curtilage parking spaces and each property is provided with a sufficient amount of private amenity space. Furthermore, the development would result in an increased level of landscaping and tree planting which will provide an attractive development with habitats for various types of wildlife. The development would not give rise to highway issues and matters relating to amenity can be safeguarded by suitable worded conditions.

Therefore, it is concluded that the proposal, subject to conditions and the signing of the s106, would be in compliance with the requirements of the relevant national and local planning policies, which outweighs the issues raised by local residents and thus the application is recommended for approval.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **13, 17 and 27** 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 **13, 17 and 27** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

- a. Application for approval of reserved matters must be made within **one** year of the date of this permission.
- b. The development hereby approved must be begun not later than whichever is the later of the following dates:
 - (i) The expiration of **two** years from the date of this permission; OR
 - (ii) The expiration of **one** year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

02

Before the commencement of the development (including demolition), details of the landscaping of the site shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority.

03

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) and in accordance with all approved documents.

b/21/02 – Semi-detached House Type

b/21/03 – Terraced House Type (Plots 1,2,3 and 9,10,11)

b/24/01 Rev C – Location Plan and Proposed Site Plan

b/24/04 – Terraced House Type (Plots 4,5,6)

Reason

To define the permission and for the avoidance of doubt.

04

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

Reason

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

Construction Management

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

To safeguard the amenities of the occupiers of nearby properties.

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'.

Reason

To safeguard the amenities of the occupiers of nearby properties.

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 bowsters, 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

To safeguard the amenities of the occupiers of nearby properties.

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

To safeguard the amenities of the occupiers of nearby properties.

Highways

09

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

10

Prior to construction works commencing above ground level, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of

sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

11

Prior to construction works commencing above ground level, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles for the application site. The scheme shall meet the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason

In the interests of sustainable development and air quality.

Landscapes

12

The first reserved matters application shall include a detailed landscape scheme for the POS areas and plot landscaping. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

Reason

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

Trees

13

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

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

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

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

*Using the most recent revision the of the Standard

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

Reason

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

14

A suitable scheme of proposed tree planting and pits shall be submitted to and approved by the Local Planning Authority prior to the first use of the development hereby approved. No operations shall commence above ground level until a suitable scheme of proposed tree planting and tree pits have been submitted to and approved by the Local Planning Authority. The scheme shall include the following comprehensive details of all trees to be planted:

- A scaled plan showing the locations of the new trees (existing trees must also be shown)
- The species and stock size.
- Include details confirming the planting intended to mitigate the tree losses detailed in the AIA.
- An assessment of suitability of planting location
- Actions taken to mitigate any foreseeable issues i.e. the use of root barriers/deflectors, flexi-paving, appropriate species selection, structured soils, foundations, etc.
- Proposals should be in accordance with British Standard 8545:2014 - Trees: from Nursery to Independence.
- Five year post planting maintenance and inspection schedule.

Reason

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

Drainage

15

Construction works shall not commence above ground level until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out 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.

Waste Management Plan

16

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

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

The agreed details shall be implemented and thereafter maintained.

Reason

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

Local Labour Agreement

17

Prior to the commencement of works (including demolition), a Local Labour Agreement relating to the demolition and construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The scope of the Agreement shall be agreed in writing prior to submission of the formal document. The development shall thereafter be carried out in accordance with the approved Agreement.

Reason

To improve skills in all of Rotherham's communities through the promotion of access to training, education and local employment opportunities.

Land Contamination

18

Post demolition of existing structures and 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.

19

Prior to construction works commencing above ground level and subject to the findings of condition 18 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.

20

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.

21

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.

22

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.

Ecology

23

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

Reason

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

24

The development shall be completed in accordance with the recommendations in the submitted Construction Environmental Management Plan (ref: SQ-2321), dated 10th September 2024, prepared by Estrada Ecology. All the recommendations shall be implemented in full during the construction phase and thereafter permanently retained.

Reason

In the interests of biodiversity and ecology.

25

The development hereby approved shall be completed in accordance with the recommendations in the submitted Biodiversity Enhancement Plan (ref: SQ-2321.1), dated 21st August 2024, prepared by Estrada Ecology. All the recommendations shall be implemented prior to the first dwelling being occupied and shall thereafter be permanently retained.

Reason

In the interests of biodiversity and ecology.

26

The first reserved matters application shall include details of the planting at Site B and Site D as outlined in paragraph 8.3 of the Biodiversity Net Gain Report (ref: SQ-2321), dated 17th October 2024, prepared by Estrada Ecology.

Reason

To ensure there is no net loss of Biodiversity from the development.

Demolition

27

Prior to any demolition works commencing a Demolition Method Statement shall be submitted to and approved in writing by the Local Planning Authority which includes details on the proposed method of demolition, the length of time the demolition will take, how rubble / materials will be removed from the site or reused in the development of the site. The demolition shall thereafter take place in accordance with the approved details.

Reason

In order to encourage the redevelopment of this site and in the interests of the visual amenity of the area.

Informative(s)

01

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

02

It is recommended that the scheme should be built to Secured by Design standards (www.securedbydesign.co.uk)

03

In the unlikely event that great crested newts are recorded on-site then all works must cease with immediate effect and Natural England must be consulted via a suitably qualified ecologist to obtain a licence to facilitate the works.

04

This development is not subject to the statutory Biodiversity Gain Plan condition because the planning application was submitted before the statutory requirement for applications.

05

If any tree losses are unavoidable, then the Tree Service will require a CAVAT evaluation of the trees to be removed with a sufficient tree planting mitigation plan to compensate for their loss (equal to the CAVAT evaluation).

06

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

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 3 July 2025

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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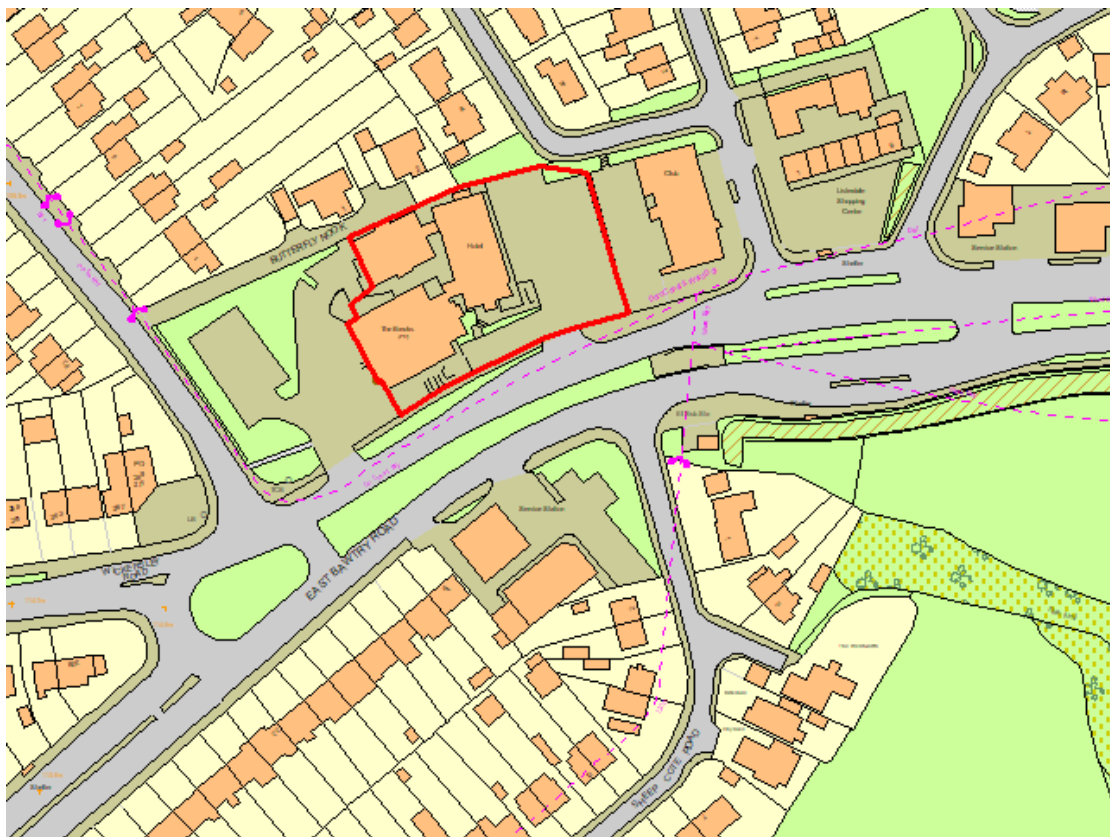
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REPORT TO THE PLANNING BOARD TO BE HELD ON THE 3 July 2025

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

Application Number	RB2024/1358 https://rotherham.planportal.co.uk/?id=RB2024/1358
Proposal and Location	Two storey side extension with alterations to car park and associated works at Premier Inn Hotel, East Bawtry Road, Broom
Recommendation	Granted Conditionally

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

**Site Description & Location**

The site comprises a Premier Inn hotel and a Beefeater restaurant with associated car parking and landscaping.

The hotel is a three-storey building and provides 62 bedrooms. The Beefeater restaurant is linked to the west of the hotel.

The hotel and restaurant are served by 98 car parking spaces, including 12 disabled bays, to the east and west of the buildings. These spaces are accessed from the site. Vehicular access to the site is taken from Bawtry

Road via two points from the south. Pedestrian access can be achieved via a footpath from Brecks Avenue, and from the adjacent site to the east.

In terms of the surrounding area, a Sainsbury's Local store and snooker club / sports bar occupy the building to the east of the site. Beyond Bawtry Road, to the south, is a petrol filling station. There are three bungalows located to the north of the site, and beyond this is an area comprising housing.

Background

There have a number of applications relating to this site the most relevant of which are:

RB1990/1697 – Erection of a 36 bedroom travel inn add. car parking & re-siting of play area – Granted Conditionally

RB1991/1308 – Erection of 27no.bed.travel inn (amendment to planning permission r90/1697p) – Granted Conditionally

RB2006/1304 – Three storey extension to form additional bedrooms and alterations to car park – Granted Conditionally

RB2016/0901 – Three storey side extension with associated alterations to car parking & landscaping – Granted Conditionally

The 2016 permission was not implemented and has now lapsed.

The hotel and restaurant have been the subject of other applications for minor forms of development including external alterations, small extensions and signage.

Proposal

The proposal is to erect a two-storey extension to the east of the hotel to provide a net additional 14 bedrooms on the site. The extension will provide an additional 16 bedrooms, but two existing bedrooms will be lost to accommodate an internal corridor. The extended hotel will provide a total of 76 bedrooms.

As a consequence of the extension, the car park to the east of the hotel will be reconfigured. The extended hotel and restaurant will be served by a total of 83 car parking spaces including 12 disabled bays. This excludes the 18 spaces which are allocated to the Sainsbury's Local store.

The hotel's servicing arrangements will remain unchanged, and no alterations are proposed to the site's access points.

The extension will be served by air source heat pump (ASHP) technology.

In order to facilitate the proposed development, there will be the partial removal of one Category C hedge group.

In regard to the extension's foul drainage arrangements, it is proposed to install a gravity system which will fall into a pump chamber, with foul water being pumped to the nearest manhole. For surface water, a new soakaway system using geo-cellular storage tanks will be installed.

In support of the application the following documents have been submitted:

Drainage Statement

The statement provides details of the existing drainage networks and the proposed site drainage proposals.

Arboricultural Method Statement

The report concludes that the overall quality and longevity of the amenity contribution provided for by the trees and groups of trees within and adjacent to the site will not be adversely affected as a result of the local planning authority consenting to the proposed development.

Arboricultural Survey

In terms of vegetation, the submitted Tree Survey identifies a total of 22 individual trees, 6 shrub groups 4 hedges across the site.

Energy Strategy

The proposed Premier Inn Rotherham East Bedroom Extension has followed the GLA's energy hierarchy to qualify the carbon emissions reduction targets have been met. This process has involved calculation of carbon emissions at each stage of the hierarchy using building simulation software.

The carbon reductions detailed in this Energy Strategy have been calculated using Part L accredited compliance dynamic simulation modelling software IES VE Compliance DSM. This ensures that the proposed development's carbon emissions have been calculated using a more sophisticated carbon calculations methodology, as opposed to the more simplistic SBEM methodology.

The energy hierarchy carbon reduction methodology has minimised energy usage and carbon emissions of the proposed Premier Inn Rotherham East Bedroom Extension to provide a sustainable low energy building.

Preliminary Ecology Appraisal and Roost Assessment

The building has low suitability for roosting bats but will require further surveys to determine presence or absence of bats on site will be required.

Protective measures are recommended for retained and nearby habitats, and precautionary methods for vegetation clearance and tree felling should be followed.

Bat Emergence and Re-entry Surveys

The report notes that no bats were observed emerging from the building.

No bats were heard or seen during the survey.

No further surveys are required.

Transport Statement

The survey makes the following conclusions from the information and assessments:

- The existing site could generate in the order of 20 two-way movements across the AM peak, 35 across the PM peak and a total of 387 across the course of a typical day.
- The site post-development could generate in the order of 23 two-way movements across the AM peak, 38 across the PM peak and a total of 417 across the course of a typical day.
- In light of the assessments undertaken, the proposed 83 parking spaces would be sufficient to accommodate the likely parking demand to be generated post-development.
- The internal site layout would continue to provide sufficient space for delivery vehicles to manoeuvre, and vehicles to enter and egress parking spaces.
- The size and frequency of delivery vehicles to the site would not increase post-development.

BNG Assessment

Area Based Habitat Units

The baseline habitat value of the site is 1.51 units, comprising developed land (hard standing and buildings), other neutral grassland and urban trees. The post development habitat value of the site is 1.7 units, comprising the:

- creation of buildings and hardstanding, additional scattered trees and mixed scrub;
- retention of scattered trees, buildings, hard standing and grassland;

Enhancement of grassland from poor to moderate This results in a net change in biodiversity of 12.43% (i.e. a net gain).

Linear-Based Habitat Units

The baseline linear-based habitat value of the site is 0.76 units, comprised of native and non-native ornamental hedgerow. The post development habitat value of the site is 0.88 units, comprising the:

- creation of new native hedgerow
- retention of existing native and non-native ornamental hedgerow

This results in a net change in biodiversity of 16.1%% (i.e. a net gain).

The current proposed plan results in a 12.43% net gain in habitat units and a 16.1%% net gain in hedgerow units. This is more than the 10% target of biodiversity net gain.

A Biodiversity Net Gain (BNG) Management Plan must be produced for the site. This should include recommendations for the implementation, management and monitoring of the site for at least 30 years to ensure that biodiversity net gain is delivered.

Arboricultural Method Statement

The report provides an assessment of the trees, hedges and major shrub groups growing on and within influencing distance of the site and includes a Schedule of trees, Tree Constraints Plan, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan.

A total of 22 individual trees, 6 shrub groups and 4 hedges were surveyed.

A total of 5 trees, 2 hedges and 2 partial shrub groups requires removal to facilitate the proposed scheme, these fall within either category “U” or category “C”.

Car Parking Study

The purpose of this study is to demonstrate the operation of the existing car park and surrounding streets, in order to establish any potential impact associated with the proposed 14-bedroom extension at the site.

This study is informed by a series of detailed car parking surveys carried out by an independent traffic survey company in accordance with the scope agreed with the Council’s highway officers. In summary, this was agreed and completed as follows:

- Completed on Thursday 20th, Friday 21st and Saturday 22nd March 2025.
- On-site & off-site car parking observed over full 24-hours.
- Destination of vehicle occupants recorded.
- Details included time of arrival & departure, plus duration of stay

The survey results are analysed within the study and the following conclusions were arrived at:

- There is currently no hotel guest car parking occurring on local streets.
- There is currently and would continue to be ample spare on-site parking capacity overnight when the demand for hotel guest parking would be greatest.
- There is typically a high-level of spare capacity within the on-site car park, although the accumulation peaked on the Thursday evening at 19:30 during which time there was high usage from the convenience store, dance school and snooker club.
- Following the proposals, there would be a maximum of 5 cars displaced onto local streets for a 1-hour period between 7pm and 8pm. There is ample availability of appropriate on-street parking locations for this to be safely accommodated.

Development Plan Allocation and Policy

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

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

Local Plan policy(s):

CS11 'Tourism and the Visitor Economy'
 CS14 'Accessible Places and Managing Demand for Travel'
 CS20 'Biodiversity and Geodiversity'
 CS28 'Sustainable Design'
 CS30 'Low Carbon & Renewable Energy Generation'
 SP19 'Development within Town, District and Local Centres'
 SP26 'Sustainable Transport for Development'
 SP33 'Conserving and Enhancing the Natural Environment'
 SP52 'Pollution Control'
 SP55 'Design Principles'
 SP56 'Car Parking Layout'
 SP57 'Sustainable Construction'

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.

The following adopted Supplementary Planning Documents are relevant:

- Town Centre Uses and Development
- Transport Assessments, Travel Plans and Parking Standards

Publicity

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 144 letters of representation have been received, all objecting to the proposals.

The issues raised are summarised below:

- There is insufficient parking already and the proposed extension will take up what is the hotels existing car parking facility.
- The remaining car park is used by Sainsbury, the snooker hall, the dance studio, this proposal will further limit parking spaces to the detriment of the road safety of neighbouring streets.
- Where will the extra hotel customer's park?
- The reduced number of allocated parking spaces will impact on the private parking area at Listerdale Shopping Centre. I have a business there and since the parking restriction at Brecks came into force we have noticed an increase in vehicles parking in our car park.
- The lane is busy and dangerous already, cars parking all over the place and the homes built at the bottom of Brecks Lane have already created more traffic and danger with larger lorries speeding up and down.
- More buildings, more people means more noise and more rubbish.
- The car park is already busy at times and losing spaces would only make this more problematic.
- I attend classes at the dance studio and on occasions can not get park even now. Cars then end up parking on residential streets causing narrowing of the roads and potential risk.
- Removing some car parking spaces would have a detrimental effect on business who also use the car park.
- It is no wonder that premier recently imposed a 7 pound charge on the car park presumably to deter people from parking in there during this application.
- There isn't enough parking for the hotel as it is.
- This will cause huge safety concerns for children and adults leaving the dancing school opposite and cause more parking outside bays, this happens already but with further reduction in spaces it will be even worse than currently.
- General safety of dance children in already overused car park.
- There are never enough spaces as it currently is with the car park being used by people with many young children.
- The issue which already exists is going to get even worse and at the detriment of many other small businesses.

- As a result of the data and evidence presented the development proposals are satisfactory on highway and transport grounds.
- There has been a hotel built in Rotherham Town Centre, surely this would impact on potential use of this hotel.
- There are already issues with parking and vehicles being parked in neighbouring car parks by customers using businesses elsewhere. This then impacts on our customers being able to park in our car park.
- These proposed works will mean 16 less car parking spaces which will have a negative impact on the small businesses and surrounding residential areas making it extremely unsafe for shoppers, local residents and clientele of the local businesses such as the dance school.

On receipt of additional documents, a further consultation exercise was carried out giving residents and those who had previously objected a further 21 days to comment. One additional response was received from the owner of a local business who had previously commented. The issues raised are summarised below:

- The trees / bushes between the area of parking between that owned by Sainsburys and that owned by Premier Inn. Which have been confirmed as being acceptable by the Tree Service.
- When looking at the revised plan it looks to us as if there will be access to spaces allocated to Sainsburys from left and right and not from just the right hand side as now.
- According to the plans on the right hand side of the development there will be room for 26 vehicles for Premier Inn and 18 for Sainsburys. This is a reduction of 20 for Premier Inn Guests despite the addition of 16 bedrooms. This has been partially alleviated by adding 6 parking spaces on the left hand side of the development. Our view is that this will encourage Premier Inn customers to park in the Sainsburys area especially since Premier Inn have now introduced a parking charge for their spaces.
- We were encouraged by Nigel Davey's memorandum of the 12th February when he felt that he was unable to support the application on highway grounds due to the introduction of car parking charges, in conjunction with 14 (its 16!!) additional bedrooms and removal of car parking spaces. He felt that this would result in additional vehicles parking on adjacent side roads having a detrimental effect on road safety and the amenity of nearby residents.
- This memorandum prompted the applicants to commission a Parking survey from Thursday 20th March to Saturday 22nd March.
- The results of this survey persuaded Mr Davey to reverse his decision of the 12th February as the survey conveniently demonstrated that there would be minimal displacement of vehicles.
- We put it to you that the survey was fundamentally flawed on 2 counts. One, that contractors who use the hotel frequently would only be stopping at the hotel on one of the days surveyed. Two, that the

number of vehicles did not take into account large vans, flat bed lorries and even buses that take up more than one parking space.

- This application, if granted, will cause significant problems for all the users of the site. We are particularly concerned about the safety of our students when attending class.

5 Right to Speak requests have been received from objectors and the applicant.

Consultations

RMBC Transportation Infrastructure Service: No objections subject to conditions.

RMBC Environmental Health: No objections subject to conditions.

RMBC Trees and Woodlands: No objections.

RMBC Drainage: No objections.

RMBC Ecology: No objections subject to conditions.

RMBC Energy and Climate Change: 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:

The main issues in the determination of the application are:

- Principle
- Design and Residential Impact
- Highways
- Biodiversity Net Gain
- General Amenity
- Landscapes and Trees

Principle

The site relates to an established hotel and has previously been extended in the past, most recently in 2006.

The NPPF defines hotel accommodation as being an appropriate use within a town local or district centre. Given the site is allocated for retail purposes within the Local Plan the principle is acceptable from a land use perspective and complies with the requirements set out in adopted Local Plan policy SP19 'Development within Town, District and Local Centres'.

Further to the above the increase in the hotel accommodation would be in compliance with the requirements of policy CS11 'Tourism and the Visitor Economy', which states the Council will support development proposals for hotels in appropriate locations.

Design and residential impact

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.”*

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 design of the extension is in keeping with the architectural appearance, style and materials of the existing hotel. The footprint and massing of the extension is considered to be relatively small when compared to the size of the existing hotel complex and is well suited for its locality.

In addition, the extension is of a similar size, scale, form, design and siting to that previously approved in 2016.

Overall, the proposal is considered to be of a good design, scale and appearance that reflects the character of the existing hotel and meets the general design advice within the NPPF and the aforementioned adopted Local Plan documents.

In terms of spacing standards, the nearest residential properties are located to the north of the site in a long established residential area which is a mix of single storey and two storey dwellings.

In this instance the northerly facing windows are approximately 13.5m from the edge of the application site and approximately 22m to the nearest point of the side garden area with no. 34 Winlea Avenue. The proposal is therefore in excess of the spacing standards that would normally be expected between principal elevations on new residential extensions. The proposal is well in excess of the 12 metre recommendation between a principal elevation and a side elevation and is well below an indicative 25 degree vertical alignment from 34 Winlea Avenue.

These distances confirm that the proposal would not harm the living conditions of the occupiers of neighbouring properties and are in accordance with recommendations within SYRDG and provisions contained within adopted Local Plan policies referred to above.

Highways

Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

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 115 and 117 of the NPPF.

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

The applicant has submitted a number of documents relating to highway matters including a Transport Statement and a technical note, which sets out the results of a parking survey that has been undertaken to establish the vehicle use associated with both the Premier Inn / public house and the adjacent units (convenience store, dance hall and snooker club). The survey also identifies vehicles parking on the adjacent road network with the exception of the A classified Bawtry Road, which is subject to a clearway order preventing vehicles stopping / parking on Bawtry Road.

The survey was requested as a result of Transportation Officers concerns with regard to the current parking that takes place on the adjacent road network, with particular regard to the junction of Brecks Lane and Bawtry Road, and the potential that this parking, is a result of recently introduced parking charges for Premier Inn guests, and whether the potential increase in bedrooms at the Premier Inn and subsequent loss of parking spaces, would exacerbate the current situation.

The survey dates / times and locations of the extents of the survey, were agreed between the applicant's transport agent and colleagues within Transportation with the survey being undertake over three consecutive days, Thursday 20th March - Saturday 22nd March, with both on-site and off-site parking observed over 24hr periods. The destination of vehicle occupants was recorded, including time of arrival and departure, plus duration of stay.

On-street parking accumulation

The results of the survey and the submitted report demonstrates that with regard to the total length / volume of on-street parking that was available i.e. approximately 62 car lengths:

1. That 80% of those vehicles parking on street in the identified areas, were residents or their visitors.
2. 20% were visitors to either the application site, convenience store, dance school or snooker club.

Of the 20% (110 vehicles) it was noted that 94 were parked for less than 1 hour, 14 were parked no longer than 1 hour and 2 vehicles were parked overnight, with both of these vehicles being parked on Brecks Crescent.

The figure of 110 vehicles was recorded over a 72-hour period (3-day survey period) and relates to vehicles parked on Brecks Lane, Brecks Crescent and Winlea Avenue.

On-site parking accumulation

There are currently 116 car park spaces within the site, which includes 18 spaces that are 'allocated' to the convenience store, dance hall and snooker club.

The parking survey demonstrated that:

1. The highest recorded number of vehicles parked within the site was reached on the Thursday evening, with 101 vehicles parked within the car park.
2. Of these 101 vehicles, 73 were associated with the Premier Inn and public house, with the remaining vehicles associated with the store, dance club or snooker hall.

There was a similar application at this site (RB2016/0901) was granted conditionally in October 2016, though that application, was for slightly more rooms than the current application. Since the 2016 permission, the owners of the hotel and public house have introduced time limited restrictions on the car park(s) for those visitors to the adjacent public house, and additionally, there is now a car park charge for visitors to the hotel. The adjacent roads to the application site have varying degrees of parking restrictions, with the exception of Brecks Lane, that has no restrictions.

The applicant's agent has confirmed that there is no intention to amend the existing parking restrictions / charges imposed when using the car park.

In summary, the current Premier Inn has 62 bedrooms. The application is for 14 additional bedrooms to provide 76 bedrooms in total, with the loss of 15 car parking spaces, which will result in a car park with 101 spaces in total with 83 spaces being for the use of the hotel and restaurant and the 18 spaces

allocated to the convenience store, dance studio and snooker hall being unaffected as these sit outside of the application site boundary.

The applicant has demonstrated that should the application be approved, then the completed hotel and the new car park layout, will be able to accommodate the customers of the Premier Inn and its attached public house. The car parking survey also indicates that based on the survey's undertaken, that there is the potential for some displaced parking to on-street parking to take place, for a short time period in the evening, though this is as a result of the activities of the adjoining convenience store, snooker hall and dance hall, where patronage exceeds their 18 allocated car parking spaces.

In respect of the above, the Council's parking standards detailed in the adopted SPD 'Transport Assessments, Travel Plans and Parking Standards' for commercial development is based on maximum requirements and the site is in a sustainable location in terms of access by public transport. Therefore, in these circumstances, there are no highway reasons to refuse the application subject to conditions.

It is noted that the vast amount of objections raised in respect of the application relate to highway matters and the loss of parking spaces which would affect the neighbouring businesses. These comments are noted but as set out above the proposals are considered to be acceptable from a highway perspective both in terms of the level of parking provision for the hotel but also in regard to highway safety.

Specifically in respect of the issue raised about the scope of the car parking survey and that it was done on a Thursday, Friday and Saturday. The Council's Transportation Unit have responded by stating: *"Thursday, Friday and Saturday usually capture the busiest days of the week for Hotels and hospitality venues and therefore are what we usually agree for the purposes of a TA. This is standard practise and avoids skewing the data by using less busy days as part of an average"*.

Furthermore, in response to the objection that the parking survey does not account for contractor parking at the hotel or for large vans, lorries and buses which could use multiple parking spaces, the applicant has confirmed that the survey identifies the classification of each vehicle within the car park, including light goods vehicle (LGV), heavy goods vehicles (HGV) and buses. LGVs typically comprise of vans up to 3.5t, with HGVs being larger than this.

Over the full survey period (Thursday to Saturday, inclusive) 90% of vehicles were recorded as cars, 9% as LGV and 1% as HGV. This relates to all vehicle activity, including delivery and servicing. Buses were recorded as 0%. This demonstrates the proportion of large vehicles using the car park is very low.

The results show that LGV and HGV proportions were only marginally higher on the Thursday at 11% and 2% respectively.

A high proportion of these LGVs were observed in the western parking area (identified in the survey as 'Zone A') around the breakfast and evening mealtimes. In fact, at 7pm on the Thursday evening, Zone A momentarily reached full capacity with 47 vehicles parked in the 47 parking spaces available. Of these 47 vehicles, 7 were categorised as LGV. This therefore demonstrates that LGVs were only occupying a single parking bay each and that any instances of large vehicles occupying multiple bays is extremely rare (and was not evidenced within the survey).

Objections have also been received in relation to the fact that they do not perceive the analysis reflects the actual increase in bedrooms proposed and car parking changes could encourage hotel guest to park within the Sainsbury's parking area. The applicant has confirmed that the survey results show that at present, the opposite is actually true and that a proportion of visitors associated with the convenience store, snooker club and dance school are occupying spaces in the Whitbread car parking areas. Notwithstanding this, it is expected that appropriate signage and delineation could be put in place to demarcate the Sainsburys parking area if this is considered necessary in due course.

Accordingly, the objections raised would not outweigh the judgement that the development would not cause unacceptable impact on highway safety, or a severe impact on the road network and thus as set out in paragraph 116 of the NPPF the development cannot be refused on highway grounds.

Ecology and BNG

Paragraph 187 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

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

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

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

Ecological Reports and Biodiversity Net Gain reports and surveys have been submitted in support of the application. These have been assessed by the Council's Ecologist.

Bats

The preliminary ecological appraisal identified that the development had some potential roosting features, so a further bat emergent survey was carried out; this recorded no bats emerging from the buildings.

Biodiversity Enhancements

The site will require some biodiversity enhancements on-site in the form of bat roosting features, bird nesting boxes and hedgehog holes. This is in line with the National Planning Policy Framework Paragraph 180 (d) stating that opportunities to improve biodiversity in and around development should be integrated as part of their design.

This should include one of each of the below:

- 1 bird box integrated into the building on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Schwegler Brick Box Type 24, Woodstone Sparrow Nest Box or an equivalent suitable for tits, sparrows or starlings. The boxes should be located between two to four metres high, ideally at the gable apex or at eaves. The box can be installed flush with the outside wall and can be rendered or covered so that only the entrance hole is visible.
- 1 swift box integrated into the building on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Manthorpe 'GSWB' Swift brick or the Vivara Pro Cambridge Brick Faced Swift Nest Box. Alternatively, RSPB Swift Box may be more suitable for the development. The box(es) should be located high within the gable wall, ideally above 5m high, below the overhang of the verge and barge board.
- 1 bat box should be integrated into buildings on a southerly aspect / orientation (south, southwest, and south-east). Boxes should be located a minimum of 2 metres, but ideally 5-7 metres above ground, in a position near the eaves or gable apex. Placement should avoid windows, doors and wall climbing plants.
- Hedgehog holes between any fencing, railings, wall and gates to ensure the development is permeable to hedgehogs. These can be created by 13cmX13cm holes at ground level within fences or by leaving a sufficient gap beneath gates and/or leaving brick spaces at the base of brick walls. To ensure holes are kept open 'Hedgehog Highway' signage should be provided and secured above the holes.

The above will be conditioned.

Biodiversity Net Gain

The applicant has changed the development plans so a biodiversity net gain metric is now required.

The Biodiversity Net Gain Assessment (Arbtech, October 2024). The report and metric outline that the development is achieving a net gain in biodiversity gain units of 12.43% habitat units and 16.1% hedgerow units.

The application will be subject to a general biodiversity gain condition to secure the biodiversity gain objection. This condition is a pre-commencement condition; once planning permission has been submitted and approved a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of development. A finalised biodiversity net gain metric must also be submitted alongside this.

To ensure that the biodiversity gain objective is met and the condition can be discharged successfully it is important that biodiversity net gain is considered through the planning process.

The plan is the mechanism to ensure that the biodiversity gain objective is met and in particular:

- The post development biodiversity value of the developments on-site habitat is accurate based on the approved plans and drawings for the development;
- Any off-site biodiversity gains have been registered and allocated to the development and;
- Biodiversity credits, if they are necessary for the development, have been purchased.

General Amenity

Paragraph 135(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."

The premises are located in close proximity to existing residential dwellings on Butterfly Nook and Winlea Avenue.

There is the potential for disturbance to the occupiers of nearby residential dwellings as a result of noise and dust during the demolition and construction phase. There is also the potential for accumulations of mud on the highway.

In light of the above, it is recommended that the standard condition requiring the submission of a Construction Environment Management Plan before works commence is appended to any approval. Therefore, subject to the recommended condition the impact of the construction phase should be in line with normal disturbance experienced during construction works and should not have a permanent or long lasting adverse impact of neighbouring residents and businesses.

Further to the above, once complete the development of the additional hotel rooms would not cause any amenity issues to neighbouring residents by way of noise or general disturbance from within the extended premises.

Landscapes and Trees

CS19 'Green Infrastructure' states: *"Rotherham's network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas... Proposals will be supported which make an overall contribution to the Green Infrastructure."*

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

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

The submitted Arboricultural report reveals there are 7 tree removals and partial removals necessary for the development, of which there are 1 category U tree and 4 category C trees and 2 category C groups, comprising hedges and shrubs.

All necessary tree protection measures and other concessions to protect the remaining retained trees on the site have been submitted and are deemed to be acceptable and robust.

In light of the above subject to conditions ensuring the existing trees are suitable protected in line with the submitted details during the construction phase and the replacement planting is in accordance with the submitted details, there would be no adverse impact on trees or landscape matters.

Other issues raised by objectors

The dominant concerns raised by the objectors have been considered and assessed in the prevailing sections of the report insofar as they relate to

matters of highway safety and parking concerns, as well as traffic congestion and impact on local residents.

The concerns raised regarding the impact on existing businesses is noted, however the development is on land owned by the applicant and wouldn't result in the loss of parking available to other neighbouring businesses.

It is further noted that an objection raises the issue of the number of bedrooms being created and they believe there is some discrepancy in the comments by highways. Whilst the extension itself will provide 16 new bedrooms, 2 of the existing bedrooms in the existing hotel will be lost to allow access to the extension internally, as such there is a net increase of 14 bedrooms on the current number available at the premises.

It is considered that whilst the objections are noted, the proposed development has potential benefits to the local area which include increased hotel capacity to support tourism and business travel and potential job creation, which will form part of the planning balance.

Conclusion

Having regard to the above and notwithstanding the objections raised in respect of highway impact, loss of parking and safety matters, it is considered that the extension hereby proposed is an acceptable addition to this existing hotel in this location which is allocated for retail in the local plan. Furthermore, the addition of the extension would ensure that the level of car parking for the hotel remains acceptable and does not impact on the parking spaces outside of the applicant's ownership for the neighbouring businesses (Sainsbury's, Dance School and Snooker Club).

It is therefore concluded that the objectors raised do not tip the planning balance in favour of a refusal due to the proposal complying with the relevant adopted Local Plan policies and sections of the NPPF. Therefore, for the reasons set out above the application is recommended for approval subject to conditions.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Condition numbered 04 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 number 04 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

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

Location Plan dated 15th January 2025

AP104 Rev A – Proposed Site Plan

AP105 – Proposed Floor Plans

AP106 Rev B – Proposed Elevations

1137-SW-01 rev B – Landscape Proposals Sheet 1

1137-SW-02 rev B – Landscape Proposals Sheet 2

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason

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

Construction Environment Management Plan

04

Prior to any works commencing on site a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction and demolition related activities - Contractors and site staff are expected to use the best

practical means to minimise noise on site. Regard shall be had to the guidance detailed in BS5228 2009: 'Noise and Vibration Control on Construction Sites'.

- Dust arising from all construction and demolition related activities - Contractors and site staff are expected to use the best practical means to minimise dust on site. Regard shall be had to the guidance detailed in Institute of Air Quality Management- Guidance of the assessment of dust from demolition and construction 2014.
- Artificial lighting used in connection with all construction related activities and security of the construction site - Contractors and site staff are expected to use the best practical means to minimise light nuisance on site. Regard shall be had to the guidance detailed in the Institute of Lighting Professionals - Guidance Note 01/21 – Reduction of Obtrusive Light.

The CEMP to be submitted shall be in report format and as a minimum is to include the following details as specified in the subheadings below:

- Program and Phasing Details
 - Site layout
 - Operational hours
 - Expected duration of demolition and construction work phases
- Site Management
 - Contact details of site manager for public liaison purposes
 - Complaints procedure - Roles and responsibilities
- Routes for Construction Traffic
 - Routes to be used for access onto site and egress
 - One way systems
 - Haul routes (onsite and delivery)
- Site Access, Storage and Movement of Materials
 - Delivery access point details
 - Location details of storage / loading / unloading of materials / plant areas
 - Parking / turning facilities for construction staff / deliveries
 - Location of site compound
 - Delivery times of materials and plant
 - Car parking facilities for construction staff
- Dust, Debris and Mud
 - Screening and hoarding
 - Preventative measures
 - Dust suppression measures
 - General and machinery
 - Wheel wash facilities
 - Road sweeping facilities
 - Covering of dusty stockpiles
 - Vehicles carrying dusty loads
 - Dust monitoring
 - Boundary checks
 - Monitoring of weather including wind speed and direction, dry conditions etc

- Noise and Vibration Control
 - Silencing of vehicles, plant and machinery
 - Mitigation measures for noisy operations
 - Operational hours
 - One way systems
 - Vehicle reverse alarms
 - Leaflet drops to noise sensitive premises
- Artificial Lighting
 - Hours of operation of the lighting
 - Location and specification of all of the luminaires
 - Level of maintained average horizontal illuminance for the areas that needs to be illuminated
 - Predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity
 - Measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- Waste Management
 - Waste storage
 - Waste collection
 - Recycling
 - Waste removal

Reason

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

Highways

05

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

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

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

Reason

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

06

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

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

07

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a time bound programme of implementation, monitoring and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as timetabled in the programme of implementation.

Reason

In order to promote sustainable transport choices.

Ecology

09

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 holes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

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

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

Reason

In the interests of biodiversity enhancement.

General Amenity

10

All Air Source Heat Pumps to be provided on the site shall be in compliance with all relevant limitations and conditions in Class G, Part 14 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and shall comply with the MCS Planning Standards.

Reason

To safeguard the amenities of the existing occupiers of nearby properties and future occupiers of the site.

Trees and Landscapes

11

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. This shall be positioned in accordance with details as shown on drawing Arbtech TPP 01 rev B. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

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

12

All tree works shall be carried out in accordance with the detail contained within the submitted Arboricultural Method Statement prepared by Arbtech dated 27 September 2024. In addition, no tree work shall commence until the applicant, or his contractor has given at least seven days' notice of the intended starting date to the Local Planning Authority. The authorised works should be completed within 2 years of the decision notice otherwise a new application for consent to carry out any tree work will be required.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area.

13

Before the development is brought into use, the approved Landscape scheme as indicated on Dwg Nos 1137-SW-01 rev B and 1137-SW-02 rev B shall be implemented in accordance with RMBC Landscape Design Guide (April 2014) in the next available planting season and maintained to ensure healthy

establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

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

Informatives

01

Biodiversity Net Gain

Unless an exception or a transitional arrangement applies¹, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that **development may not begin** unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Rotherham MBC. Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

Biodiversity Gain Plan

The biodiversity gain plan must include/accompanied by:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat⁴ present within the onsite baseline.
- (h) any additional information requirements stipulated by the secretary of state.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan

was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

1. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
2. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

- Listed exemptions from Statutory BNG and transitional arrangements can be found at Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk)
- The Statutory Biodiversity Gain Plan template can be found at <https://www.gov.uk/government/publications/biodiversity-gain-plan>
- Minimum legal requirements for the Biodiversity Gain plan can be found at [https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=para%20graph%2015\).-,Biodiversity%20gain%20plan,-14](https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=para%20graph%2015).-,Biodiversity%20gain%20plan,-14)
- Irreplaceable habitats for the purposed of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. A full list of irreplaceable habitats can be found at <https://www.legislation.gov.uk/uksi/2024/48/schedule/made>
- Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and may be subject to the nature of your application <https://www.legislation.gov.uk/uksi/2015/595#:~:text=Additional%20content%20of%20plan>
- Where a Habitat Management and Monitoring Plan is required: <https://publications.naturalengland.org.uk/publication/5813530037846016>

02

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

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

03

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.

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'.

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.

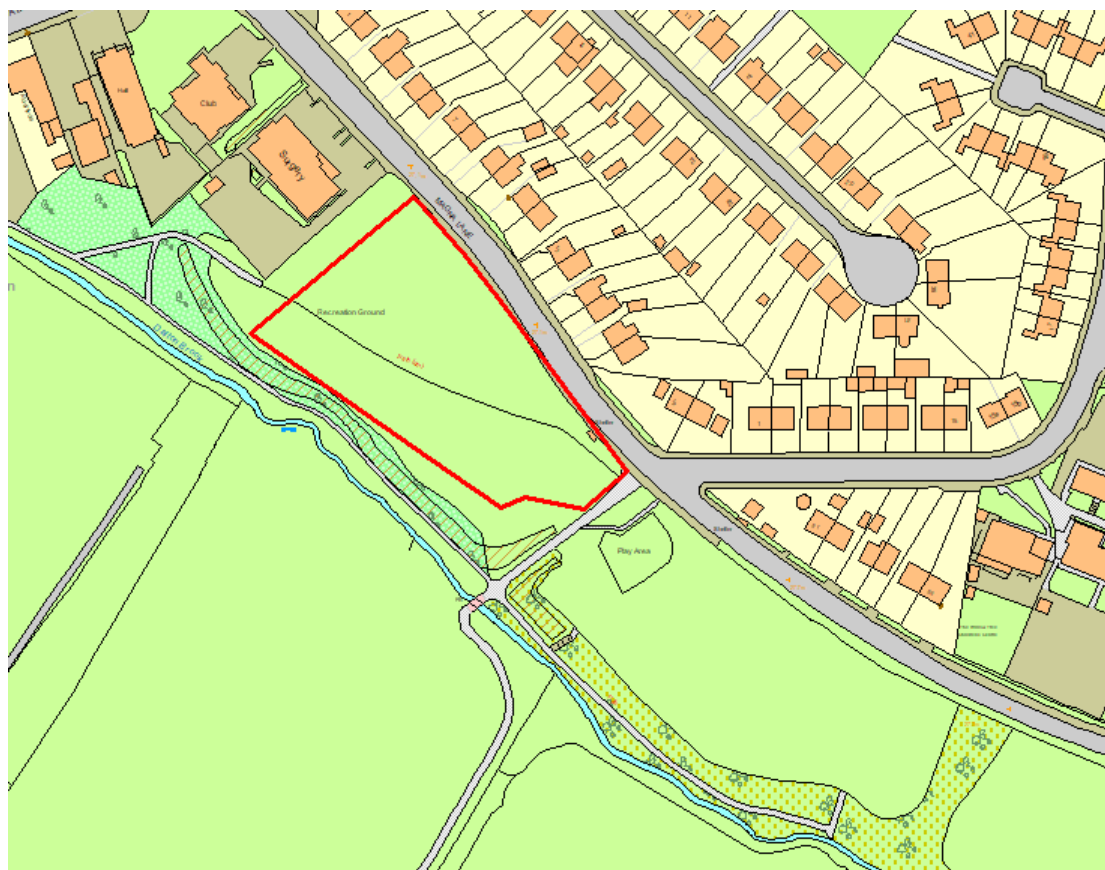
Effective steps shall be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be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

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.

Application Number	RB2025/0526 https://rotherham.planportal.co.uk/?id=RB2025/0526
Proposal and Location	Creation of all wheels bike track at grassland park area, Magna Lane, Dalton
Recommendation	Grant subject to conditions

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



Site Description & Location

The application site is allocated Green Belt in the Local Plan and is an open area of land with a hedge along its northern-eastern boundary, adjacent to the highway at Magna Lane.

The site is known as the recreation ground and is situated in the eastern part of Dalton. To the northwest of the site is the Dalton Parish Hall along with a number of commercial properties. To the north and east of the site is the established residential area of Dalton. To the south and south east is an equipped children's play area and beyond this is open land.

The application site comprises an area of land approximately 0.6 hectares in total.

Background

The site does not have any recent previous planning history.

A screening opinion is not required for this development as it does not meet the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Proposal

The application seeks full planning permission to create a new All Wheels Pump Track on the recreation ground. This is a circuit-based facility suitable for use by bicycles, scooters, skateboards and roller blades.

The engineering operations involve the following:

Off road cycling elements included in the layout:

- Beginner pump track – aimed at the smallest of users from balance bikes and scooters upwards learning initial skills required to control wheeled equipment over specific features.
- All wheel's pump track – this will comprise of an intermediate to advanced level pump track.

Additional advanced transfers will be possible for skilled users adding further interest and ownership.

The engineering works will be located 10m away from the surrounding boundaries and 20m away from the Dalton Brook to the south.

The applicant indicates the proposed development is not expected to generate a need for increased parking.

Planning Statement

The application has been submitted by a Planning Supporting Statement which can be summarised below:

- The proposed development is designed to enhance recreational opportunities for residents of all ages and abilities, while preserving the openness and character of the Green Belt.
- The proposal involves the installation of an All Wheels Pump Track, a low-impact, circuit-based facility suitable for use by bicycles, scooters, skateboards, and roller blades. The track will be constructed using compacted aggregate with tarmac surfacing, and will include features such as rollers and berms to allow users to navigate the course using momentum rather than pedalling.
- The design is compact and sensitive to the landscape, ensuring minimal disruption to existing vegetation and topography. There are no permanent buildings associated with the development, and boundary treatments will be limited to ensure continued visual permeability.

- The revised NPPF continues to give great weight to the protection of Green Belt land but also recognises the importance of providing accessible open spaces and promoting healthy, inclusive communities. Key relevant paragraphs include:
 - Para 152: States that the Green Belt serves five purposes, including safeguarding the countryside from encroachment and preserving its openness.
 - Para 158: Allows for certain forms of development in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes “provision of appropriate facilities (in connection with the existing use of land) for outdoor recreation”.
 - Para 100: Emphasises the need for high-quality open spaces and opportunities for sport and physical activity, particularly where this would address health and well-being needs.
 - Para 103: Encourages local authorities and applicants to consider improvements to the quality, accessibility, and value of green infrastructure and public open space.
 - This proposal qualifies as “not inappropriate” development under NPPF para 158(b) – the provision of appropriate facilities for outdoor sport and recreation. The pump track:
 - Maintains the openness of the Green Belt through its low-lying, non-intrusive design.
 - Supports the recreational use of the land.
 - Enhances the existing green space for wider and more inclusive community use.
 - Does not lead to encroachment or coalescence of settlements.

Justification and Benefits

- Public Health & Well-being: The facility promotes physical activity, mental well-being, and intergenerational engagement.
- Accessibility: Open to all, including users of wheeled mobility devices, fostering inclusivity.
- Low Impact: No permanent structures, no loss of existing green space, and no detriment to landscape character or biodiversity.
- Community Demand: Responds to increasing local interest in cycling, skating, and alternative wheeled sports.
- Green Infrastructure Enhancement: Improves the quality and recreational value of existing green space in line with NPPF objectives

The Planning Statement concludes that this is appropriate in the context of Green Belt policy (NPPF Para 158). Is supportive of national aims to enhance public health and community cohesion. Is sensitive to local context, landscape, and environmental constraints.

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 Green Belt purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

CS3 'Location of New Development'

CS4 'Green Belt'

CS19 'Green Infrastructure'

CS20 'Biodiversity and Geodiversity'

CS21 'Landscapes'

CS28 'Sustainable Design'

SP2 'Development in the Green Belt'

SP10 'Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt'.

SP26 'Sustainable Transport for Development'

SP32 'Green Infrastructure and Landscape'

SP39 'Design and Location of Green Space, Sport and Recreation'

SP52 'Pollution Control'

SP55 'Design Principles'

Other Material Considerations

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched. It was last updated on 17th September 2018.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The revised NPPF came into effect in December 2024. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

Publicity

The application has been advertised by way of press notice, site notice and individual letters to neighbouring properties. A total of 17 representations in support and against the application have been received and these can be summarised as follows:

The representations in support of the plans can be summarised as follows:

- This will improve people's physical health
- Good facility for the young people of the area.
- Other similar facilities have been popular.
- Are there any plans to stop the use of motorbikes on the track.

The representations objecting of the plans can be summarised as follows:

- The car parking problems at the site
- Insufficient regard
- Potential dangers to users of the existing recreational facility
- Loss of a well used public open space.
- Increase in noise and anti-social behaviour.
- Will there be extra policing available to stop the site being abused by off-road bikes.
- Magna Lane is already a busy, fast road and this development will add additional traffic.
- There has previously been a fatality on this road
- There is no traffic management or calming for the site

The representations are split roughly 50/50 in support for and objection to the scheme. The majority of the representations come from local residents with residents along Magna Lane in close proximity to the site are both in support of and objecting to the proposal.

Consultations

RMBC Transportation Infrastructure Service – no objections, subject to conditions

Environmental Health – no objections

Ecologist – no objections, subject to BNG condition

Drainage Officer – no objections

Public Rights of Way – 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:

- The principle of the development
- Visual Impact on the Green Belt
- Noise and impact on the surroundings
- Transportation issues
- Landscape matters

The principle of the development

The application site is allocated for Green Belt in the Local Plan.

Policy CS 4 'Green Belt' states Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy. Burial grounds are one of the exceptions to Inappropriate Development, and this is discussed within the National Planning Policy Framework section below.

Policy CS 20 'Biodiversity and Geodiversity' states The Council will conserve and enhance Rotherham's natural environment.

SP2 'Development in the Green Belt' indicates that recreational development, amongst other things, are one of the exceptions to Inappropriate Development, and this is discussed within the National Planning Policy Framework.

SP10 'Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt'. They are summarised as follows:

- a. proposals will not give rise to undue disturbance caused by an increase in noise, the attraction of significant numbers of additional people into the area, or an increase beyond current levels of traffic at any one time;*
- b. they are sited and designed so as to avoid any adverse impact on identified landscape character, heritage, nature conservation or agricultural interests;*
- c. the proposals would not pollute surface and groundwater;*

Policy SP 39 'Design and Location of Green Space, Sport and Recreation' states that:

"Proposals for Green Space, sport and recreation and children's play space within new and existing developments should be designed to incorporate the following principles: a. able to deliver Green Space to the recommended accessibility standards and typical characteristics set out in Policy SP 37 'New and Improvements to Existing Green Space'; b. landscaped and sited on land suitable for the purpose; c. located away from busy roads and car-parks, or separated from them by suitable boundary treatments; d. attractive and sited in open locations, easily observed by non-users; e. the facilities are

accessible to as many potential users as possible; f. easily accessed by pedestrians and cyclists; g. linked to other green spaces either directly or via green infrastructure corridors; h. ensures ease of maintenance, operational sustainability (repair and replacements), and affordable quality management for the lifetime of the equipment. Additionally in the case of Play Spaces: i. provides for risk and challenge, without putting users in danger of serious harm; j. provides appropriate buffer zones; k. accounts for industry standards and practice. Developments that provide private sports and recreation facilities should enter into a Community Use Agreement to promote and allow access by local communities.”

The proposal is considered to meet the criteria highlighted in SP39 and would provide an additional recreational facility which would be easily accessible to the public, adjacent to an existing recreational playground.

The use of Green Belt land for recreational purposes can be considered to be an appropriate use in the Green Belt. Paragraph 155 of the NPPF allows for a change of use of land within the Green Belt providing it preserves the openness. In this instance the change of use does not propose any new buildings of a permanent or substantial construction. No fencing is proposed though the bike track would involve re-grading and engineering of existing ground levels within the site to create jumps and slopes along with new areas of hardstanding.

As such the proposal represents not inappropriate development and the principle of having this form of development within the Green Belt is acceptable in land use and policy terms subject to the proposal not having a detrimental impact on the openness of the Green Belt. The design and impact upon the openness of the Green Belt will be considered in more detail below.

Visual Impact on the Green Belt and its openness

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

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

Openness can be considered as meaning an absence of built or otherwise urbanising development. The courts have also identified other matters in terms of assessing the impact on openness and have confirmed that the concept of 'openness of the Green Belt' is not narrowly limited to the volumetric approach. The word 'openness' is open-textured and a number of factors are capable of being relevant when it comes to applying it to the particular facts of a specific case. Openness is considered to be capable of having both spatial and visual impacts.

The site is relatively well screened to surrounding land areas with a mature boundary fence along the Magna Lane elevation, and no additional screening is proposed to the boundaries of the site over and above that already installed. The western side of the site already has fencing with a weldmesh design which is see-through from a distance and is green in colour. Beyond this is a collection of permanent brick commercial buildings. When viewed as a whole, the character of the immediate surroundings is considered to assist in reducing the potential detrimental impact on openness of the Green Belt.

The development itself consists of predominantly engineering operations which result in ramps and bumps in the site to create a pump track for bikes, scooters and skaters. The appearance of the engineering operations is low level with the maximum height being 2 metres. It will be softened by landscaping including turf/grass to the slopes although there are hard surfaces proposed as part of the track.

Overall it is considered that the structures would have a limited impact on the openness of the Green Belt from a spatial perspective.

In terms of the visual impact on openness, it is acknowledged that an existing track runs along the Southern boundary of the site and that the site is elevated from this position but other than this, limited public vantage points of the site are available which do not result in the site being viewed against the backdrop of other buildings. The site is screened by way of a mature hedge to the adjacent highway and mature trees to the Southern boundary. On this basis, it is considered that the structures/operational development that has been undertaken at the site results in a low impact on the openness of the Green Belt from a visual perspective.

In summary, it is considered that the use of the land as a pump track comprises an essential/appropriate facility for outdoor sport/outdoor recreation and it is considered that the operational development formed at the site in terms of grassed mounds and ramps are of a form, size and height that result in a low or limited impact on the openness of the Green Belt and would not conflict with the purposes of including land within it. As such, the proposal is not considered to comprise inappropriate development within the Green Belt, Local Plan Policies SP2 'Green Belt' and SP55 'Design Principles' and the advice contained within the NPPF.

Noise and impact on the surroundings

Policy SP10 'Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt' states that "Provision of appropriate facilities for outdoor sport, outdoor recreation and cemeteries, will be acceptable as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it providing that: (amongst others) a. proposals will not give rise to undue disturbance caused by an increase in noise, the attraction of significant numbers of additional people into the area, or an increase beyond current levels of traffic at any one time.

SP52 'Pollution Control' indicates 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 the detrimental impact on the amenity of the local area.

The NPPG in relation to noise states that: *"Noise needs to be considered when new developments may create additional noise" It adds that: "The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation. These factors include: - the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep."*

In terms of noise, this is an established recreation area with a park directly adjacent to the application site. The nearest residential properties are on the opposite side of Magna Lane which is a relatively busy highway and the site is screened by mature hedging and trees which will assist in screening the proposed pump track and lessening noise from the facility. The track is intended to be used by push bikes, skaters and scooters and as such the noise will be limited. Overall, the noise likely to emanate from the site is not likely to be significantly in excess of existing noise levels or to such an extent that would result in a significant impact on residential amenity of neighbouring properties..

There is no proposal to install floodlighting and no noise generating equipment to be installed.

A number of the objections have raised concerns about anti-social behaviour, a condition is recommended to require submission of information relating to reducing the accessibility of motorbikes to the site in relation to reducing potential for this type of ASB.

Overall Environmental Health have raised no objections to the application from a noise or general pedestrian safety perspective, subject to standard conditions. It is recommended that the standard condition requiring the

submission of a Construction Environment Management Plan before works commence is appended to any approval to minimise dust and general disturbance.

This element of the application is considered to be in conformity with policies SP10 'Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt' and SP52 'Pollution Control'.

Transportation issues

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.

A number of the objections highlight existing traffic problems occurring at the site. These include concerns that the proposal may generate additional traffic.

The Transportation Unit initially queried if there would be any improvements to the road safety environment, including pedestrian crossing provision along the site frontage, due to the increase in pedestrian / cycle movements to the site.

The applicant indicated that no formal improvements are proposed. However, the Transportation Unit note that the site will be accessed from an existing bridleway. The applicant will need to own or control all the land immediately adjacent to the Bridleway in order that access can be achieved as the Bridleway will be a prescribed width which may not be the total width of the area. The Transportation Unit also note that where the Bridleway meets Magna Lane there is an existing uncontrolled pedestrian crossing.

RMBC Highways are of the opinion that the proposed scheme if implemented will be mainly used by local children and will be accessed on foot / bike as per similar facilities located throughout the borough. Accordingly, it is not considered that any formal road improvement works will be necessary and there are no objections to the granting of planning permission in a highway context subject to the conditioning of a Construction Traffic Management Plan.

RMBC's Public Rights of Way Service have not raised any objections as the existing rights of way do not appear to be affected by the proposals.

Overall the proposal is considered to meet the requirements of policy SP26 'Sustainable Transport for Development'.

Ecology and Biodiversity

SP33 'Conserving and Enhancing the Natural Environment' indicates that: *Development should conserve and enhance existing and create new features of biodiversity and geodiversity value. Where it is not possible to avoid negative impact on a feature of biodiversity or geodiversity value through use of an alternate site, development proposals will be expected to minimise impact through careful consideration of the design, layout, construction or operation of the development and by the incorporation of suitable mitigation measures....or provide an adequate level of compensation. The aim of mitigation and compensation should be to respond to impact or loss with something of greater value; the minimum requirement will be to maintain 'no net loss'.*

Biodiversity Net Gain

The Biodiversity Net Gain Assessment (Armstrong Ecology, November 2024). The report and metric outline that the development is achieving a net gain in biodiversity gain of 0.2060 (10.60%) increase in habitat units on-site.

The application will be subject to a general biodiversity gain condition to secure the biodiversity gain objection. This condition is a pre-commencement condition; once planning permission has been submitted and approved a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of development. A finalised biodiversity net gain metric must also be submitted alongside this.

To ensure that the biodiversity gain objective is met and the condition can be discharged successfully it is important that biodiversity net gain is considered through the planning process.

Landscapes and Trees

CS19 'Green Infrastructure' states: *"Rotherham's network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas... Proposals will be supported which make an overall contribution to the Green Infrastructure."*

There are no trees within or directly adjacent to the site area. There are existing trees along the boundary with Magna Lane, though these are considered to be a sufficient distance away so as not to have any adverse impact on trees or landscape matters.

Conclusion

Overall the principle of a recreational use for pump track facility in this Green Belt location is considered appropriate in land use terms. The size and siting

of the facility is considered to be of an appropriate scale to not have a harmful impact on the openness of the Green Belt.

The Transportation Unit have accepted the plans and consider that there is unlikely to be any significant increase in parking demand, as this will be a local facility.

The use is not considered to generate any significant noise issues over and above the existing recreational area.

It is therefore concluded for the reasons set out above the application is recommended for approval subject to conditions.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 03 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 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

01

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

Reason

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

02

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

(Drawing numbers location plan A4, site plan SK1, proposed elevations SK0, proposed projection image)(received 16 April 2025).

Reason

To define the permission and for the avoidance of doubt.

Surfacing materials

03

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

Reason

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

Highways/Environmental Health

04

Prior to any works commencing on site a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP to be submitted shall be in report format and as a minimum is to include the following details as specified in the subheadings below:

- Program and Phasing Details
 - Site layout
 - Operational hours
 - Expected duration of demolition and construction work phases
- Site Management
 - Contact details of site manager for public liaison purposes
 - Complaints procedure - Roles and responsibilities
- Routes for Construction Traffic
 - Routes to be used for access onto site and egress
 - One way systems
 - Haul routes (onsite and delivery)
- Site Access, Storage and Movement of Materials
 - Delivery access point details
 - Location details of storage / loading / unloading of materials / plant areas
 - Parking / turning facilities for construction staff / deliveries
 - Location of site compound
 - Delivery times of materials and plant
 - Car parking facilities for construction staff
- Dust, Debris and Mud
 - Screening and hoarding
 - Preventative measures
 - Dust suppression measures
 - General and machinery
 - Wheel wash facilities

- Road sweeping facilities
- Covering of dusty stockpiles
- Vehicles carrying dusty loads
- Dust monitoring
- Boundary checks
- Monitoring of weather including wind speed and direction, dry conditions etc
- Noise and Vibration Control
 - Silencing of vehicles, plant and machinery
 - Mitigation measures for noisy operations
 - Operational hours
 - One way systems
 - Vehicle reverse alarms
 - Leaflet drops to noise sensitive premises
- Artificial Lighting
 - Hours of operation of the lighting
 - Location and specification of all of the luminaires
 - Level of maintained average horizontal illuminance for the areas that needs to be illuminated
 - Predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity
 - Measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- Waste Management
 - Waste storage
 - Waste collection
 - Recycling
 - Waste removal

Reason

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

Drainage

05

Above ground development shall not be begun until details of the foul and 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.

Landscaping

06

Before the development is brought into use, a Landscape scheme along with final boundary treatment, showing location and types of landscape and boundary treatment, shall be submitted for approval by the Local Planning Authority. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with the Local Plan.

07

Prior to any above ground works, details of measures to be incorporated to discourage access to the site by off road vehicles and motorbikes shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the first use of the site.

Reason

To reduce the opportunities for anti-social behaviour on site and limit the impact on amenity of neighbouring properties in accordance with Local Plan Policy SP52.

Informatives

01

Biodiversity Net Gain

Unless an exception or a transitional arrangement applies¹, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that **development may not begin** unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Rotherham MBC. Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

Biodiversity Gain Plan

The biodiversity gain plan must include/accompanied by:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat⁴ present within the onsite baseline.
- (h) any additional information requirements stipulated by the secretary of state.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

1. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
2. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

- Listed exemptions from Statutory BNG and transitional arrangements can be found at Biodiversity net gain: exempt developments - GOV.UK (www.gov.uk)
- The Statutory Biodiversity Gain Plan template can be found at <https://www.gov.uk/government/publications/biodiversity-gain-plan>
- Minimum legal requirements for the Biodiversity Gain plan can be found at [https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=para%20graph%2015\).-,Biodiversity%20gain%20plan,-14](https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=para%20graph%2015).-,Biodiversity%20gain%20plan,-14)
- Irreplaceable habitats for the purposed of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. A full list of irreplaceable habitats can be found at <https://www.legislation.gov.uk/uksi/2024/48/schedule/made>

- Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and may be subject to the nature of your application <https://www.legislation.gov.uk/ukxi/2015/595#:~:text=Additional%20content%20of%20plan>
- Where a Habitat Management and Monitoring Plan is required: <https://publications.naturalengland.org.uk/publication/5813530037846016>

02

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

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

03

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.

Drainage

04

Surface Water Discharge From Greenfield Site:

The total surface water discharge from greenfield sites should be limited to green field run- off rates - up to 1 in 100 years storm + climate change. On site surface water attenuation will be required.

If the greenfield run-off for a site is calculated at less than 2 l/s/ha then a minimum of 2l/s can be used (subject to approval from the LPA)

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.

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.

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