

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE  
28JANUARY 2016**

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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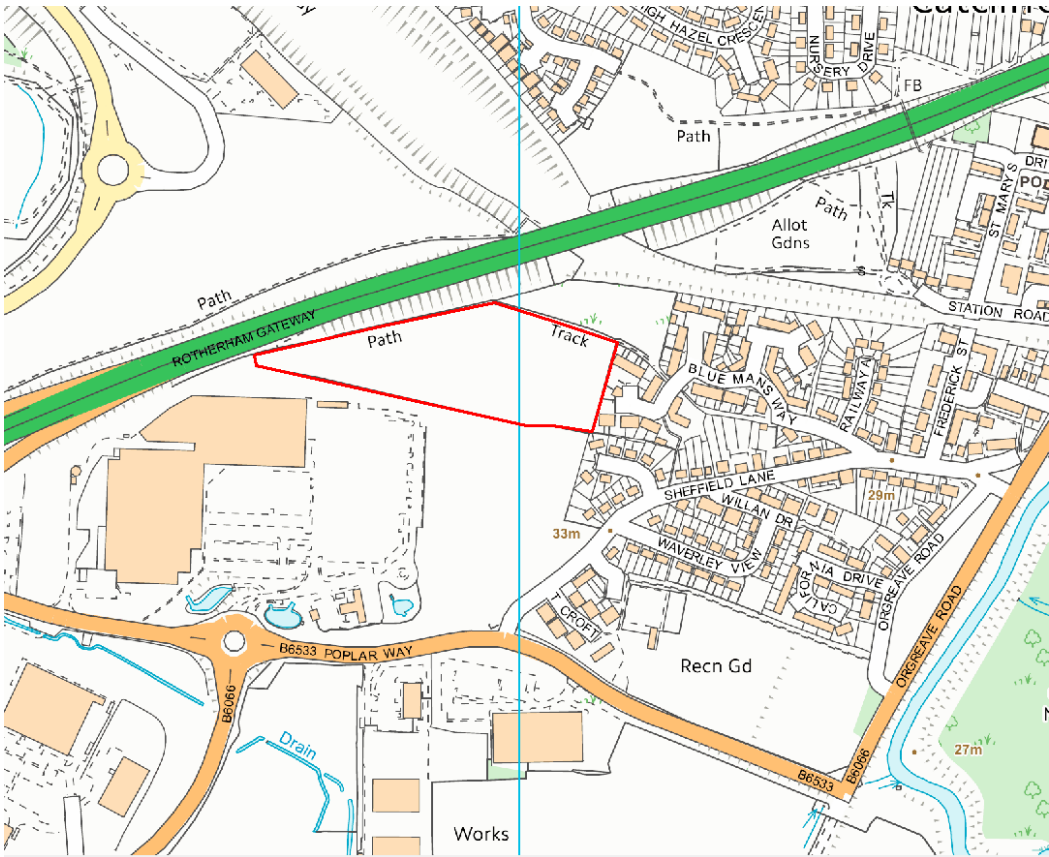
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**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 28 JANUARY 2016**

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

<b>Application Number</b>	<b>RB2014/1342</b>
<b>Proposal and Location</b>	<b>Outline application for the erection of up to 64 dwellinghouses with details of access at land at Blue Mans Way, Catcliffe, S60 5UR</b>
<b>Recommendation</b>	<b>Refuse</b>

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for major development and due to the number of objections received.



**Site Description & Location**

The application site comprises a total of approximately 2.66 ha (6.56 acres) of land located off Blue Mans Way Catcliffe. The site is currently an area of informal urban greenspace, which contains semi mature trees.

The site is bounded to the north/north-west by the Sheffield Parkway A630, and to the south is a Morrisons supermarket and a further area of disused land that was subject to

a separate application for residential development which was reported to Planning Board in August 2015 (RB2014/1461) where Members indicated that they were disposed to grant planning permission. The related S106 Agreement has yet to be signed so the decision has not as yet been released. To the east of the site are residential properties located off Blue Mans Way which currently form part of the western edge of Catcliffe whilst to the north east is a further area of open land, also allocated for Urban Greenspace purposes.

There are two public rights of way leading from Blue Mans Way into the site, one of which (Catcliffe Public Footpath No. 2) runs between 28 and 30 Blue Mans Way and along the rear of 38-48 (even) Blue Mans Way before running along the north/north-western boundary of the application site. Catcliffe Public Footpath No. 3 runs along the rear boundary of 59-77 (odd) Blue Mans Way (though is not readily accessible) before running along the southern boundary of the application site. There are several informal paths that cross the site and link through to the Morrisons Supermarket and to the area of land subject to the separate planning application (RB2014/1461).

## **Background**

The site itself has no site history, although as noted above the adjoining site to the south currently has an undetermined application in for residential development, accessed from Sheffield Road to the south, which includes a vehicular link to the current application site: RB2014/1461 - Erection of 89 No. dwellinghouses with associated landscaping, parking and formation of new means of access.

## **Environmental Impact Assessment**

A screening opinion was carried out in July 2013 to determine whether an Environmental Impact Assessment should accompany the application. The proposed development falls within the description contained at paragraphs 10 (b) (Urban Development Projects) of Schedule 2 to the 2011 Regulations and exceeds the thresholds set out in column 2 of the table in that Schedule. The Local Planning Authority has carried out a screening opinion and having taken into account the criteria set out in schedule 3 to the 2011 Regulations, is of the opinion that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Accordingly the Local Planning Authority has adopted the opinion that the development referred to is not EIA Development as defined in the 2011 Regulations.

## **Proposal**

The application seeks outline planning permission with all matters reserved except for access. Access would be off the end of Blue Mans Way, between Nos. 52 and 77 and would involve the extension of the initial 20m approximately of Blue Mans Way with a 4.8m wide carriageway and footways and the provision of a raised, block paved speed table.

The applicant has submitted an indicative site plan demonstrating that 64 dwellings could be accommodated on site as well as an area of Green Infrastructure, including a tree buffer zone (7,485sqm), areas of public open space (1,448sqm), and a small wildflower meadow (100sqm). The indicative site has been amended from 72 to 64

dwellings to retain a larger area of Green Infrastructure between the proposed dwellings and the Parkway.

The indicative site plan proposes 14 detached, 20 semi detached and 30 terraced properties.

The indicative plan shows a vehicular link from the application site to the link shown on the submitted plans for the residential development scheme on the land to the south (RB2014/1461), which as noted above is still undetermined. It also shows a pedestrian link from the site to the adjacent Morrisons Supermarket, though no formal agreement has been provided from the Supermarket that authorises the works outside the application site that would enable a surfaced link at suitable gradient to be provided.

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

### Planning Statement

- The SHLAA identifies that the Council has a five year supply of deliverable sites of 5,284, however this figure is caveated, as the supply includes sites assessed as “not currently suitable for housing” and sites which are considered suitable but which have current policy constraints.
- Footnote 11 of the National Planning Policy Framework sets out the requirements of the deliverable sites which may be included within the five year supply. This states that in order for a site to be considered deliverable it should be Available, Suitable and Achievable.
- On the basis that the Council’s supply figures include sites which are not considered to be deliverable, we consider that the Council do not have a robust 5 year land supply of deliverable sites to meet their identified target. Based on the Council’s calculations, there is a shortfall of (minimum) 638 and based on our calculations, there is a shortfall of (minimum) 803. Whilst, we have not undertaken a full review of the sites, it is considered that the shortfall figures are minimums given that the Council’s housing supply does not robustly provide deliverable sites in accordance with footnote 11 of the Framework.
- The application site is designated within the Rotherham UDP Proposals Map as Urban Greenspace, under UDP Policy ENV5.1 ‘Allocated Urban Greenspace’ and as detailed within Spawforths’ letter dated 29 May 2015, it was agreed by all parties that the proposal could comply with ENV5.1 as this is a permissive policy that allows development in certain circumstances. It is considered that the application proposals meet the requirements of this policy in that the application proposals could enhance the local greenspace provision by:
  - Retaining the existing hedges and individual trees along the boundaries of the application site and supplementing them with additional tree and hedge planting.
  - Creating additional buffer landscaping along the A630 corridor and providing ecological enhancement.
  - Establishing long term management and maintenance of the greenspace.

- Introducing localised play areas within the site that can be utilised for both proposed and existing residents.
- Creating and formalising pedestrian linkages along with providing enhanced safety through surveillance from Brinsworth and Catcliffe to the adjacent retail, food and employment uses in the vicinity of the site.

### Design and Access Statement

- The scheme has been re-designed to take account of the Landscape Appraisal that has been carried out. The scheme has now enlarged the green infrastructure zone to the north of the site with a more defined line between the residential zone and green infrastructure zone. It retains the general format of the previous masterplan layout with the use of a strip of plots along the southern boundary and the use of islands of plots in the centre of the site, however, these are changed from two more elliptical islands that spread quite far north into the tree buffer zone, to three far more compact islands of plots that are tighter to the central line of the site generating a far larger and identifiable green infrastructure zone to the north of the site.
- The ecology and surface water retention zone from the earlier proposals has been omitted following drainage assessments of the site and proposals. The public open space green infrastructure zone is enhanced through introduction of more public footpath routes between the existing green infrastructure north of the site and the land to the south of the site.
- There has also been a reduction of houses and a variation to the previous mix of house types to fit within the new reduced residential zone of the landscape appraisal. In addition, from Highway's feedback the red line boundary at the entrance to Blue Man's Way has been revised to incorporate the works for the access road also.
- 9,033 sq.m of 'Green Infrastructure' runs along the north west and north boundaries of the site. This is comprised of 7,485sqm 'Tree Buffer', 1,448sqm 'Public Open Space', and 100sqm 'Wild Flower Meadow'. The allowance will provide in excess of 100% of the required public open space based on 2.3 persons per house and 24m<sup>2</sup> of public open space per person with the balance being allocated for dense woodland planting to the Sheffield Parkway boundary as an extension to the woodland buffer. A wild flower meadow is located to the north east corner of the site to enhance biodiversity.
- All properties have a minimum usable main garden space of 50m<sup>2</sup> in accordance with South Yorkshire Residential Design Guide.

At Detailed Design Stage, careful consideration in respect of the site layout, orientation and design of the buildings, will result in a scheme which successfully meets the following key design considerations:

- The integration of architecture and landscape
- Solar Orientation- buildings which take full seasonal advantage of the sun wherever possible.
- The inclusion of water catchment systems and the use of permeable surfacing

- Recycling and composting of waste materials.
- Retaining and enhancing local footpaths to encourage pedestrian activity.
- Preservation of the natural environment
- Flexible and adaptable building design

It is anticipated that the residential developers will use:

- High levels of thermal insulation
- Low energy lighting systems
- Low embodied energy materials
- Re-cycled and renewable materials
- Locally sourced natural materials

### Air Quality Assessment

The air quality assessment concludes that the proposed development will not lead to an unacceptable risk from air pollution, or to any breach in national policy, or to a failure to comply with the Habitats Regulations as required by national policy. There are no material reasons in relation to air quality why the proposed scheme should not proceed, subject to appropriate planning conditions.

### Arboricultural Report

A total of 6 individual trees were surveyed during the arboricultural survey. Any bushes primarily hawthorns (*Crataegus monogyna*) were excluded from the survey as these were not considered material considerations to the development, and are recorded as scrub on Drawing SH10963/001 Extended Phase I Habitat Survey Results.

Five of the six trees were classified as category C and therefore of low retention value. Tree T4 was classified as category B and therefore of moderate retention value.

It is recommended that the southern hedgerow should be retained by the development if possible. In addition, the current and ultimate height and spread of any trees to be retained should be considered during the design process and due allowance and space given for a trees' future growth and maintenance requirements. All new planting undertaken will be put into the care of the owner who will ensure that the new trees are maintained appropriately for a minimum of 5 years post completion of the works.

Monitoring of the retained trees within the site is recommended to take place every few years by a qualified arborist post-development. These assessments are recommended to take place in order to identify any individual trees which may not have adapted well to the new site conditions. They should report on the overall health of the trees and advise on any management which may need to be undertaken, including, for example pruning, crown lifting or felling.

### Preliminary Biodiversity Assessment

The following designated sites, habitats and species (receptors) have been evaluated as being potential ecological constraints:

- BAP Hedgerows;
- Badger;

- Reptiles (Grass Snake); and
- Birds.

Potential effects, requirements for further survey, and mitigation are discussed below for each of the identified potential constraints.

#### *BAP Hedgerows*

Where hedgerow removal cannot be avoided, any losses should be compensated for by the provision of a new hedgerow elsewhere on site of at least equivalent length. In this event, appropriate woody species of local provenance should be selected.

#### *Badger*

The site contains suitable habitats for foraging and sett creation (i.e. hedge base and scrub), although no setts were found during the site survey. In terms of loss of potential foraging habitat, a small reduction in grazed grassland is not expected to result in the loss of favourable conservation status if indeed badgers are present within the wider area.

No further surveys are considered necessary, however, in order to ensure compliance with the relevant legislation it is recommended that a check for the presence of mammal burrows with an entrance diameter exceeding 100mm should be undertaken prior to the onset of works. In the event that such mammal burrows are recorded clearance operations should cease until advice has been sought from a suitably qualified ecologist.

#### *Reptiles*

No specific mitigation is required for Grass Snake as it is highly mobile, and typically occupies extensive home ranges. The loss of a small area of potential supporting habitat is therefore not considered to significantly reduce the local conservation status of this species.

#### *Birds*

Due to the potential presence of nesting bird species within the site, it is recommended that initial development works are undertaken outside of the usual bird breeding season (normally taken to be March – July inclusive). If such timescales cannot be accommodated, it is recommended that a check for the presence of active nests, and nesting birds should be undertaken by a suitably qualified ecologist prior to the commencement of works. Any active nests should be identified and protected subject to the relevant legal provisions until the nesting attempt is complete.

### Ecological Compensation and Enhancement Plan

This plan provides a series of habitat creation and management measures required in compensation for the minor loss of hedgerow habitats arising from the development proposals. In addition to the compensation requirements, habitat enhancement measures are also provided to ensure a net increase in overall site biodiversity; in line with the requirements of the National Planning Policy Framework (NPPF).

A series of protective measures are also provided to ensure that the relative legal considerations pertaining to protected species are adequately addressed, during the construction phase.

The specific objectives are therefore as follows:

- Compensation for the loss of approximately 5m of existing hedgerow to accommodate a pedestrian 'link' path via the improvement and management of existing hedgerows on site;
- Enhancement of scrub habitats via management, to encourage development of native woodland;
- Enhancement of grassland habitats on site via management to develop greater plant and invertebrate diversity; and
- Protective measures during construction to ensure compliance with protective species legislation.

### Statement of Community Involvement

The consultation drop in exhibition presented an opportunity for members of the local community to view, comment upon and to discuss the draft proposals for the site. The consultation process undertaken is in line with the NPPF and the Rotherham Statement of Community Involvement and highlights issues and concerns raised by the local community and how these have been addressed throughout the process and where these have not been addressed the reason for this.

### Flood Risk and Drainage Assessment

The site is entirely situated in Flood Zone 1 with no significant risk of fluvial flooding.

The proposed residential land use fully complies with the planning guidance. Surface water will be managed on site by appropriate SuDS techniques including attenuation in cellular storage and infiltration beneath private driveways and hard standing. The outflow will be discharged at an agreed rate of 5 l/sec to the public surface water sewer in Blue Man's Way, which connects to the River Rother, about 400m to the east. The feasibility of such a system has been established by the surface water drainage design.

There is not considered to be any significant risk of groundwater flooding. Foul water will be discharged to the public foul sewer system. Climate change has been allowed for in the storage calculations. There will be no overland flow associated with events up to 1 in 100 year plus 30% climate change. Any exceedance event flow will be constrained within the limits of the access roads. No warning or evacuation procedures or the incorporation of flood resilient materials will be necessary.

With regard to flood risk, therefore, the site is suitable for the proposed development.

### Noise Assessment

Given the small distances between some of the construction activities and the nearest sensitive receptors, some sensitive receptors may experience minor noise and vibration impacts during construction. This would occur only for short periods. To minimise the potential impact of construction works, mitigation measures should be put in place. These should include the restrictions on working hours, the implementation of temporary screening, and implementation of best working practice.



It is unlikely that piling will be required. However, to minimise the potential for vibration to be generated by piling it is recommended that careful consideration be given to the type of any piling used.

With the implementation of best working practice and restriction on working hours, the noise and vibration impacts of earthworks and construction phases will be generally low, with only brief periods of minor adverse impacts likely in the short term at local level.

Proposed Sensitive Receptors and Noise - Standard 2.0m high close boarded fencing, as included on the masterplan, around garden areas will be sufficient to provide an area of garden for all proposed dwellings, which will achieve 55dB LAeq in accordance with RMBC requirements. However, some properties will have small areas of the garden which may exceed 55dB LAeq. BS8233 states that higher noise levels may be acceptable where developments are located adjacent to major transport infrastructure. Therefore no further mitigation measures are recommended.

The noise assessment indicates that standard thermal double glazing would ensure that guidance internal noise levels are met in living rooms and bedrooms across the site, with the windows closed for properties away from the A630 (Sheffield Parkway). Enhanced glazing will be required to achieve guidance internal noise levels for properties nearest to the A630.

With the windows open the attenuation provided by the facade would allow the internal noise limits to be exceeded in a number of noise sensitive rooms. Acoustic ventilation will therefore need to be installed in all rooms located nearest to, and with a direct line of sight of the A630 Sheffield Parkway, and in the south eastern part of the site.

At this stage, a detailed site layout has not yet been confirmed. Glazing requirements will need to be confirmed once a detailed design layout is available.

### Transport Assessment

The transport assessment concludes that:

- This report presents the findings from a complete review of the transport and highway implications for delivery of a proposed residential development located off Blue Mans Way, Catcliffe, near Rotherham. The analysis extended to consider the impact that peak hour levels of development traffic would have upon the local existing highway network in the vicinity of the site.
- The analysis contained within this report demonstrates that the impact that development traffic would have upon the surrounding network is not severe, with marginal impact upon existing and future levels of queuing and delay when compared to traffic scenarios that assume no development in place.
- The development will be supported by a commitment towards delivery of a Framework Travel Plan which will seek to bring forward measures designed to increase the awareness of and attractiveness to travel to the site by sustainable modes of transport.

- It is therefore concluded that The Transport Assessment has been undertaken in accordance with the approach of the Local Authority Highways Team. This development is therefore acceptable in transportation and highways terms.

In addition, a Stage 1 Safety Audit has also been produced and a revised Travel Plan, following discussions with officers, and these are discussed in more detail below.

## **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 'saved' policies from the Unitary Development Plan (UDP) 1999, (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for Urban Greenspace purposes in the UDP. It also falls within the Rother 'Strategic Green Infrastructure Corridor' as identified in the Core Strategy. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for 'Green Space' purposes on the Policies Map (Sheet 2), which also identifies the 'HS2 Consultation Line published 2013 (route to be finalised by Government)' which runs close to the west/south of the site and is within the 200 metre buffer for the route of HS2. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'  
 CS3 'Location of New Development'  
 CS4 'Green Belt'  
 CS6 'Meeting the Housing Requirement'  
 CS7 'Housing Mix and Affordability'  
 CS17 'Passenger Rail Connections'  
 CS 19 'Green Infrastructure'  
 CS20 'Biodiversity and Geodiversity,'  
 CS21 'Landscape'  
 CS22 'Green Space'  
 CS25 'Dealing with Flood Risk'  
 CS27 'Community Health and Safety'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'  
 HG5 'The Residential Environment'  
 ENV3.4 'Trees, Woodlands and Hedgerows'  
 ENV3.7 'Development and Pollution'  
 ENV5.1 'Allocated Urban Greenspace'

The Rotherham Local Plan 'Publication Sites and Policies - September 2015.'

SP1 'Sites Allocated for Development'

SP35 'Green Infrastructure and Landscape'.  
SP40 'New and Improvements to Existing Green Space'  
SP41 'Protecting Green Space'

## **Other Material Considerations**

Supplementary Planning Guidance, Housing Guidance 4: 'Requirements for greenspace in new housing areas'

Section 106 (S.106) of the Town and Country Planning Act 1990 - Education Contributions Policy'

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

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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 Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy but await testing during Examination in Public.

## **Publicity**

The application has been advertised by way of press and site notices along with individual neighbour notification letters to adjacent properties. 70 letters of objection have been received, including one from Catcliffe Parish Council, as well as a comment from Sarah Champion (MP). In addition a petition has been submitted against the application signed by 119 objectors.

The objectors state that:

- Blue Mans Way is not a suitable access for the development, it is too narrow and contains excessive on street parking.
- An alternative access should be provided.
- The proposal will be detrimental to road safety on Blue Mans Way.
- There are concerns regarding construction traffic, including structural damage to houses.
- There are not sufficient schools, shops, infrastructure, medical and dental services within the area.

- The area is already sufficiently served by development within the area.
- The application at Catcliffe has been adversely affected in the past by development that has not taken sufficient account of the needs of the public to good access to open land. It is imperative that the developer and Council makes every effort now when considering this latest application to ensure that existing access provision is maintained and enhanced where possible.
- Concerns relating to surface water run-off and the impact upon the nearby River Rother, which has a history of flooding.

In addition the amended plans for the reduced scheme of 64 dwellings was re-advertised and the Council received a further 19 objections, all from previous objectors, reiterating some of the above concerns, mainly in relation to the highway access.

Catcliffe Parish Council states that:

- In general not against the principle of the development.
- Concerns regarding the access, traffic generation on Blue Mans way and safety issues as a result.
- Would prefer alternative access via Morrisons site.
- Request section 106 monies for improvements to existing playground and refurbishment of village hall.

The Local MP Sarah Champion does not comment herself but raises the concerns of her constituents:

- My constituents are extremely concerned at the proposal to open up Blue Mans Way, which is a cul de sac. Blue Mans way is a narrow road, with tight corners and is restricted by parked cars.
- The road is not suitable for further residential development and no traffic survey has been undertaken.
- The development should be accessed via an alternative access.

Three rights to speak have been received, one from the applicant and two from objectors.

## **Consultations**

Streetpride (Transportation and Highways): Notes that the originally intended carriageway width of 3m at the entrance to the site was considered to be unsuitable in this location since it may have impaired convenient egress from the existing drive at 75 Blue Mans Way. A further alternative arrangement has been submitted which involves the extension of the initial 20m approximately of Blue Mans Way with a 4.8m wide carriageway and footways. The South Yorkshire Residential Design Guide makes provision for a carriageway of this width where vehicle speeds of the order of 20mph are anticipated.

The existing Blue Mans Way has been constructed to this design speed by means of its horizontal alignment. Extending the road with a raised, block paved table would maintain this design speed concept and the introduction of a Traffic Regulation Order, financed by the development as part of a S106 Agreement (£3k), could formalise a 20 mph speed limit. Accordingly, the further revised access proposal is acceptable.

The Transportation Unit further notes that the revised Travel Plan is acceptable. This proposes a contribution of £36,000 towards measures to encourage non car modes of travel which should be safeguarded by a S106 Agreement.

The Transportation Unit recognises the significant number of objections that have been generated from nearby residents, particularly with regard to the use of Blue Mans Way as the sole means of vehicular access/egress. In this respect, the site has been visited on several occasions, including early morning (7-15am on Monday 27th October 2014), to observe the parking situation. Some parking in Blue Mans Way was observed. However, the carriageway width of 5.5 metres is capable of accommodating some on street parking whilst maintaining the ability for other vehicles to pass.

It is noted that the means of access applied for includes a possible future link to the adjacent development site which is the subject of a concurrent application, RB2014/1461 which, if implemented, would enable a further point of access to/from the site in accordance with current advice contained "Manual for Streets" and the "South Yorkshire Residential Design Guide".

The Transportation Unit concludes that the development is sited in a sustainable location and would satisfy the provisions of Policy CS14 'Accessible Places and Managing Demand for Travel' and paragraphs 32 and 34 of the NPPF.

Streetpride (Landscape): In respect of the proposed landscaping on the site notes that the principle of the revised estate layout appears acceptable although would expect to see detailed proposals for the landscape work (including the open spaces), though landscaping is a reserved matter and can be controlled by way of condition. Further notes that all landscaped areas outside of private ownership would need to be managed through an agreement made by the developer with replacement planting carried out where appropriate for a minimum 5 year period, and this can again be controlled by way of condition.

Streetpride (Drainage): Notes that a proposed underground storage solution is an acceptable option, but the design as proposed is not acceptable. Recommends open drainage retention basins within Greenspace, to minimise maintenance issues, though does not recommend that the current outline application be refused as they are satisfied that a suitable solution can be achieved, subject to condition.

Environmental Health (Noise): Notes that any future occupiers will be affected by the noise from the nearby busy Sheffield Parkway. The site is noisy in nature because of its location and this is demonstrated by the noise levels that were recorded and the fact that the applicant target levels can only be achieved with windows closed and passive ventilation systems installed. The applicants` own report states "noise from road traffic noise on the Sheffield Parkway was found to be dominant across the site."

There also potential for noise disamenity and disruption from the site to existing residential housing on Blue Mans Way during construction.

In the light of the above, it is recommend that if planning permission is granted in relation to this application, relevant conditions should be attached.

Environmental Health (Air Quality): Notes that the site falls outside of an Air Quality Management Zone and the submitted air quality impact document states that the impact

from the development is 'not significant'. Recommends a number of mitigation measures on site to reduce air pollution.

Environmental Health (Land Contamination): Raises no objections subject to conditions.

Streetpride (Green Spaces): Notes that the total area of space now proposed within the scheme is 10,056 square metres, rather than the 4,900 square metres in the plan previously submitted and that the proposed number of dwellings has decreased from 72 to 64. Confirms that the current proposal adequately addresses the open space requirements of a development of this scale.

Streetpride (Tree Service Manager): The application is for development of land currently designated as Urban Greenspace in the UDP. It appears the land was previously agricultural land that has either been planted with trees and shrubs, become colonised by self-set trees or possibly a combination of both between 2002 and 2009. The Urban Greenspace provides an important amenity buffer zone and separation from the major transportation infrastructure of the M1 and the Parkway. At present, collectively the existing trees, shrubs and hedgerows also provide useful amenity and associated environmental benefits that are likely to increase if they are retained and allowed to mature. Indeed, there is potential for the area to become a woodland providing valuable and important amenity and associated environmental benefits.

The application is supported by an Arboricultural Report and Preliminary Ecological Appraisal by Wardell Armstrong dated July 2014, as well as an Ecological Compensation and Enhancement Plan dated November 2015. The contents of the Arboricultural Report regarding the 6 individual trees are noted and generally agreed with. However, all the remaining trees and shrubs on the site are reported as 'scrub' and any existing and potential benefits as possible developing woodland do not appear to have been considered.

The development of the land appears to be contrary to Core Strategy Policy CS19 'Green Infrastructure. Therefore, unless the developer can show the benefits of the development outweigh the loss of the greenspace, the Tree Service Manager is unable to support this application as it stands. Indeed, if the application is refused he would look at evaluating the site for inclusion in a new Tree Preservation Order, at least as a holding measure, to prevent the existing trees being removed. However, if consent is granted he would provide further advice on any recommended standard planning conditions.

Streetpride (Ecology): Notes that the aerial images available indicate that this site was previously a grassland hay crop but more recently has undergone natural generation and now appears to be semi-natural habitat that has the potential to support protected and priority species.

The ecological survey and impact assessment has been submitted and the Council's Ecologist considers the submitted documents acceptable. Whilst the survey timing was sub-optimal, it is not considered that this would affect the results produced. The site contains a mosaic of low quality habitats consistent with lack of management. Important features on the site are the boundary hedgerow and the provision of bird nesting and feeding habitat. The habitats present are suitable for use by badgers but no evidence of setts or activity was found. The results of the survey work are accepted.

The report recommends measures for mitigation as follows:

- Avoidance of nesting bird season when any vegetation works, including site clearance, takes place
- A pre-commencement check for any badger activity
- Retention of the hedgerow

The mitigation measures proposed are acceptable and will avoid any inappropriate activity.

The report recommends measures for biodiversity gain as follows:

- Gapping up of the existing hedgerow and suitable long-term management
- Provision of bird nest and bat roost boxes

The biodiversity gain measures are acceptable in principle. It may be preferable, for the long-term benefit of the hedgerow, that it is retained separately from the residential boundaries and that a management company is engaged to provide the necessary maintenance. The provision of bat and bird features is welcome.

The received site layout indicates that there will be areas of public open space. The design and management of these areas could also provide biodiversity interest and it is recommended that consideration is given to the use of semi-natural habitats and conservation style management when the detailed landscape plans are produced.

Streetpride (Public Rights of Way): The perimeter of the proposed site, on the north west and south, are all abutting or incorporating definitive public footpaths. They are well used routes and link to the other side of the Sheffield Parkway. Public Rights of Way would want to be involved at the detailed stage to discuss how the paths are incorporated into the site and also accessed from the site.

Affordable Housing Manager: Recommends 25% affordable housing on site in with a mixture of dwellings sizes and tenure types, in accordance with the Council Policy.

Education Service: Based on the 'Section 106 (S.106) of the Town and Country Planning Act 1990 - Education Contributions Policy', requests an education contribution of £2,342 per dwelling towards improvements to Catcliffe Primary School. Based on 64 dwellings the contribution would be £149,888.

Yorkshire Water: The Flood Risk Assessment (prepared by Wardell Armstrong - Report RPT-004B dated September 2014) is satisfactory from Yorkshire Water's viewpoint. In summary, the report confirms:

- i) Foul water from the site will discharge to public foul water sewer in Blue Mans Way.
- ii) Surface water will discharge to public surface water sewer in Blue Mans Way, via storage, with a restricted discharge (not exceeding 5 litres/second).

The above should be incorporated into a drainage design to discharge future drainage conditions.

SYPTTE: The site scores red as not located on the core network. However, the site benefits from a moderate service level on Sheffield Lane. Recommends the provision of

public transport season tickets to increase attractiveness of public transport. In addition clear, attractive, safe walk routes should be provided between the site and the bus stops on Sheffield Lane.

Environment Agency: The proposed development will only meet the requirements of the National Planning Policy Framework if the measure(s) as detailed in the Flood Risk Assessment by Wardell Armstrong (dated 25/09/14) submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Highways England: Offers no objection.

## **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 this application are:

- Principle of development
- 5 year supply of housing
- Provision of open space on site
- Highway issues
- Impact upon the route of HS2
- Noise issues and air quality
- Flood risk and drainage
- Ecology/biodiversity matters
- Landscaping/tree matters
- Impact on existing/proposed residents.
- Planning obligations

### Principle of development:

The site is allocated for Urban Greenspace purposes in the adopted UDP and it also falls within the Rother 'Strategic Green Infrastructure Corridor' as identified in the Core Strategy. Paragraph 14 to the NPPF notes that: "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:



- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.”

The proposed development of residential properties on the site means that the development does not accord with the development plan. In addition, it is considered that the relevant Policies referred to below are not out of date, for the reasons as set out.

The land to the west along the M1 from Junction 33 and predominantly west along the A630, is a Green Infrastructure asset, and performs a corridor function permeating from the core of the built environment out into the rural areas. The site has never been developed. The Council allocates this site as Green Space (the nomenclature has changed) in its Publication of the pre-submission Sites and Policies Document 2015. Public rights of way run around the boundary of the application site adjacent to the northern and southern boundaries.

It is therefore concluded that any proposed development of this area of Urban Greenspace which constitutes a Green Infrastructure asset within a Strategic Green Infrastructure Corridor should be considered in the light of UDP Policy ENV5.1 ‘Allocated Urban Greenspace’ and Core Strategy Policy CS19 ‘Green Infrastructure’. Whilst Policy ENV5 ‘Urban Greenspace’ is not a saved Policy, the supporting text (paragraph 6.4.106) is still considered relevant and notes that: “Urban Greenspace can play one or any combination of a number of equally important roles,...acting as a buffer separating incompatible land uses...” In this instance the land allocated as Urban Greenspace in this location provides an important amenity buffer zone and provides separation from incompatible land uses; residential and the major transportation infrastructure of the M1 and the Parkway.

Saved UDP Policy ENV5.1 ‘Allocated Urban Greenspace’ states that: “Development that results in the loss of Urban Greenspace as identified on the Proposals Map (subsisting) will only be permitted if:

- (i) alternative provision of equivalent community benefit and accessibility is made, or
- (ii) it would enhance the local Urban Greenspace provision, and
- (iii) it would conform with the requirements of Policy CR2.2, and
- (iv) it does not conflict with other policies and proposals contained in the Plan in particular those relating to heritage interest.”

Core Strategy Policy CS 19 ‘Green Infrastructure’ states that: “Rotherham’s network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas.

A net gain in Green Infrastructure will be realised through the protection and enhancement of existing assets and the creation of new multi functional areas, assets and linkages to include promoting: recreation and tourism, public access (including walking and cycling), green education, biodiversity (incorporating the promotion of ecological networks and habitat connectivity), public health and well being, water management, the protection and enhancement of the local and national landscape

character area and historic assets, the mitigation of climate change, green economic uses and sustainable land management.

Action will be targeted to the safeguarding and enhancement of functions and assets of the Strategic Green Infrastructure Corridors and any future refinement work and the delivery of objectives and actions identified in local and sub-regional Green Infrastructure Strategies. This will include long term management and maintenance of these assets.

Developer contributions will be used to facilitate improvements through quality, robustness, establishment, enhancement, and the ongoing management of Rotherham's Green Infrastructure, investing in enhancement and restoration where opportunities exist and the creation of new resources where necessary.

Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below:

- a. Securing provision, either on or off site, of an appropriate size, shape, scale and type and having regard to the nature of the development, its impact on the wider network and contribution to the overall quality of the area.
- b. Avoiding damage to or loss of Green Infrastructure assets. Where loss is unavoidable and the benefits of the development outweigh the loss, appropriate mitigation and compensation measures, should be included as part of development proposals.
- c. Investment in Green infrastructure will be prioritised to increase functionality of individual assets and safeguard existing functions, such as habitats for wildlife.
- d. Improving connectivity between new developments and the Strategic Green Infrastructure network and providing buffering to protect sensitive sites.
- e. Supporting ecosystem services, including the use and management of Green Infrastructure areas to reduce the impacts of climate change, using vegetation to cool the environment, provision of new open space to remedy the need for natural and semi natural flood storage and managing surface water to ensure landscape change impacted by climate change has long term benefits.
- f. Promoting design which replicates or incorporates natural processes for river morphology and water storage along the regionally important rivers Don, Rother and Dearne.
- g. Promoting innovative development which manages quantifiable risks such as flooding.
- h. Assisting with the integration of new development into the natural and historic environment.”

The reasoned Explanation at paragraphs 5.6.1 to 5.6.8 includes a reference to Map 9 which shows in broad terms the Borough's Strategic and Local Green Infrastructure Corridors. The application site (LDF parcel 0501) is within the geographical scope of Strategic Green Infrastructure Corridor “Rother” shown in green on Map 9, of regional importance. The Council is proposing in its emerging Local Plan to maintain the extent

of this Urban Greenspace and proposes its allocation as Green Space. In this respect, Policy SP41 'Protecting Green Space and SP35 'Green Infrastructure and Landscape' of the Sites and Policies document (September 2015) are relevant.

In their conclusions in the Landscape Appraisal: (p27 bullet points 2 and 3, p29 bullet point 5 and p34 bullet 3), the applicants assert that the site provides limited visual amenity; however it is considered that proposed residential development on allocated Urban Greenspace will not enhance the visual amenity of those residents on Blue Mans Way, nor of the users of the Public Rights of Way routes to the north and south of this site. Indeed, the indicative plan shows that the PROW along the southern boundary of the site would be relocated along one of the proposed public highways through the site. It is self-evident that the presence of built development on unbuilt open land would result in a material loss and it is considered would significantly and demonstrably outweigh the benefits of the proposals.

The site has young, but substantial woodland on it and this will eventually develop into broadleaved woodland, as such the site currently provides a "green" and vegetated outlook to nearby residents and PROW users. Indeed, the Trees and Woodland Manager notes that the Urban Greenspace provides an important amenity buffer zone and separation from the major transportation infrastructure of the M1 and the Parkway. At present, collectively the existing trees, shrubs and hedgerows also provide useful amenity and associated environmental benefits that are likely to increase if they are retained and allowed to mature. Indeed, there is potential for the area to become a woodland providing valuable and important amenity and associated environmental benefits, and the Tree and Woodland Manager considers that the trees could be subject to a TPO.

It is not considered that the proposals will enhance the visual amenity of this area and the loss of the vegetation will negatively impact on the outlook of those adjacent residents on Blue Mans Way and the users of the Public Rights of Way network accessing the wider open countryside from within the urban area.

This linear Green Infrastructure permeates from the core of the built environment out into the rural areas (see CS19). This area is within the South Yorkshire Community Forest and is within the South Yorkshire Forest Landscape Improvement Area. Reference to Community Forests are included within the Glossary to the NPPF as "an area identified through England Community Forest Programme to revitalise countryside and green space in and around major conurbations."

In preparing Core Strategy Policy CS19, the Council had regard to promoting NPPF paragraph 114 in its Local Plan which sets out that: "Local planning authorities should:

- set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and..."

It is considered that Policy CS19 is clear in that it not only applies to the defined Strategic Green Infrastructure Corridors but to other areas that can also be defined as Green Infrastructure.

The applicants' final submission includes an amended design and layout in an attempt to meet the concerns the Council has previously identified and to demonstrate clear

compensation for the loss of a Green Infrastructure asset and opportunity within a defined Green Infrastructure corridor.

As the applicants are aware the Council is proposing to retain the Green Space allocation of this land and this was clearly demonstrated in its Publication of the pre-submission Sites and Policies Document 2015. The applicants' agents have made representations to these proposals and these will be considered by an independently appointed Planning Inspector. Given the late stage of preparation of this Plan it is considered that the current planning application is therefore premature. Consideration of the development of this site for residential purposes should now be undertaken during the Examination in Public into the Rotherham Sites and Policies Document. It is therefore considered that the loss of this land, that is allocated for Urban Greenspace purposes within the Unitary Development Plan and is within a Strategic Green Infrastructure Corridor, to residential development is unacceptable.

It is considered that the applicant has not robustly demonstrated how their amended proposals compensate for the loss of allocated Urban Greenspace within a defined Strategic Green Infrastructure Corridor (CS19). This area should be viewed as an opportunity area within which further Green Infrastructure enhancements and improvements could be undertaken. The review of the submitted amendments to the outline planning application suggests that the compensatory measures are insufficient and the development proposals do not adequately compensate for the loss of allocated Urban Greenspace within a Strategic Green Infrastructure Corridor (CS19).

The proposals for enhancement of the Urban Greenspace to be retained are not considered adequate in that alternative provision of equivalent community benefit and accessibility has not been made (in accord with ENV5.1); nor do the proposals significantly enhance the local Urban Greenspace provision. Policy CR2.2 'Safeguarding recreation areas' is not relevant as the site is not currently used for sports grounds/playing fields/allotment purposes.

Neither the covering letter, or the Ecological Compensation and Enhancement Plan submitted by the applicants outline or summarise the compensatory measures that are proposed and it is only within the revised Landscape Appraisal that there is some assessment of the impact of the loss of Urban Green Space within a Strategic Green Infrastructure Corridor. There is still significant development proposed on the site and whilst a wildflower meadow is now proposed to be included (within an area of immature woodland that will be grubbed out to accommodate such planting) this is only 100 square metres in size. This seems to be inadequate in size.

The Ecological Compensation and Enhancement Plan states that: "This plan provides a series of habitat creation and management measures required in compensation for the minor loss of hedgerow habitats arising from the development proposals." This appears to be a wrong premise from which to start the appraisal as the whole site is allocated Urban Greenspace and the Local Plan proposes to retain this designation - it is not a development site. The Ecological Compensation and Enhancement Plan should be proposing adequate compensatory measures in accordance with Policy CS19 for development that is proposed for a site that is contrary to its current and proposed future allocation and that is located within a Strategic Green Infrastructure Corridor.

Section 4.4 'Conclusions' of the Ecological Compensation and Enhancement Plan notes that: "There would be good scope to mitigate any proposed development, as existing

boundary vegetation is already well-established". It is considered that the amended scheme should be considering compensation for the loss of Strategic Green Infrastructure in line with Policy CS19, not just mitigation.

The site currently provides a "green" and vegetated outlook to nearby residents and although it is not a managed landscape it is naturally created semi mature tree planting. It is not considered that the proposals will enhance the visual amenity of this area as the loss of the trees will negatively impact on the outlook of those adjacent residents on Blue Mans Way and the users of the Public Rights of Way.

In conclusion, it is considered that the proposal fails to pass the tests set out in paragraph 114 of the NPPF. It is also considered to be contrary to Core Strategy Policy CS19 'Green Infrastructure' and to UDP Policy ENV5.1 Allocated Urban Greenspace.

#### 5 year supply of housing:

Paragraph 47 of the National Planning Policy Framework notes that:

"To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable (11) sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable (12) sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

(11) To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

(12) To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged."

Paragraph 49 of the NPPF adds that: "...housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

The Council cannot currently demonstrate a five year housing land supply + 20%, as evidenced in the SHLAA published 2015. However over a number of years the Council has, through the preparation of draft Sites and Policies Documents 2011, 2013, 2014, and 2015 and their accompanying Sustainability Appraisals for consultation purposes, considered the allocation of sites for residential, employment, retail, mixed use, Green Space and other supporting community services and facilities. The Council has undertaken several site visits throughout the Borough and has considered the potential development of over 550 sites. The Council's Consultation Statement (published September 2015) provides details of all consultation undertaken to date and the outcomes of that consultation.

The Council published its pre-submission Sites and Policies Document on 28 September 2015 for a six week consultation period until 9 November 2015. The Council considers that its Plan is sound and is proposing to submit the Plan to Central Government for Examination in Public on Monday 21 March 2016. The Council has demonstrated the exceptional circumstances to undertake a Green Belt Review and is changing the boundaries of its Green Belt to allocate sufficient land to meet its identified housing target. The Council has justified the exceptional circumstances required to undertake a Green Belt Review and paragraph 5.2.72 explanation to Core Strategy Policy CS4 'Green Belt' refers to this.

In preparing its Local Plan the Council has undertaken in-depth study of all potential site allocations; they have been subject to sustainability appraisal and consultation; the Council is also mindful of the location of the sites it is proposing to allocate and the settlement hierarchy established in Core Strategy CS1 'Delivering Rotherham's Spatial Strategy'. There is developer interest in developing Wood Lane, Treeton, and the Council has promoted that site as a preferred allocation for a number of years. The Council has also had regard to the planning permission already granted for Waverley New Community and the impact the development of nearly 4,000 new homes and the Advance Manufacturing Park will have on the community of Catcliffe. It is for these reasons that the Council is proposing to allocate a site some little distance away at Wood Lane, Treeton, but within the same settlement grouping within its emerging Sites and Policies Document.

When adopted the Council will, in its Local Plan, more than meet a six year supply of residential land. Sufficient land has been identified to meet the housing need target of CS1 'Delivering Rotherham's Spatial Strategy' and CS6 'Meeting the Housing Requirement' for development within the Plan period, to 2028 in the Publication Sites and Policies Document 2015. This will require the release of proposed allocations currently within the Green Belt. The Council will prepare a new housing trajectory and refresh its SHLAA to support the Sites and Policies Document at Examination in Public (EIP).

Between 22<sup>nd</sup> October and 6<sup>th</sup> November 2013 and on 15<sup>th</sup> May 2014, the Secretary of State's Inspector considered the draft Core Strategy and its underlying evidence base. On the 30<sup>th</sup> June 2014 he published a report finding the Core Strategy sound, subject to

certain modifications. Under Main Issue 1, between paragraphs 26 and 54, (in particular at paragraph 36) he considered “Catcliffe/ Orgreave/ Treeton” as a Local Service Centre and to be allocated 1% of the housing growth. He noted that this centre (and the others specified) “provide few if any, suitable opportunities for residential development”. At paragraph 37, he concluded that there was a sure foundation for the protection of natural assets, and that the Strategy adopted a sound approach.

At paragraph 39 to 41 he concluded that there were exceptional circumstances (within the meaning of NPPF paragraphs 82 and 83) for a Green Belt boundary review because the Borough has to meet its housing but that there was considerable local opposition to such development.

At paragraph 48 he concluded that Policy CS1 (as amended and modified) provided a clear indication of the amount and percentage of the total requirement of housing development proposed for each settlement. He stated that: “The strategy ensures that development takes place in the most sustainable locations, reducing the need to travel particularly by private transport. It should be supported.” However at paragraphs 49 – 50 he recommended deletion of CS3 ‘Location of New Development’ phasing provisions.

The Core Strategy was adopted 10<sup>th</sup> September 2014. The Core Strategy includes Strategic Objectives 1 to 17, Policies CS1 (overall Strategy), CS4 (Green Belt), and CS19 (Green Infrastructure).

Objective 1 provides for the scale for future growth, Objective 2 provides for Green Belt, and Objective 3 for sustainable locations. Objective 8 provides for Landscape and Objective 9 for Greenspaces, sport and recreation. Objective 9 states that: “By the end of the plan period, the Borough’s network of green infrastructure will have been identified, conserved and enhanced. Implementation of the plan’s policies will have protected and enhanced the borough’s network of accessible sport and recreation facilities and helped improve the health of Rotherham’s population.”

Policy CS1 provides for an Overall Strategy. The Strategy establishes a settlement hierarchy. Most development will take place within Rotherham’s urban area and at Principal Settlements for Growth. Catcliffe, Orgreave, Treeton is a Local Service Centre, identified as contributing 170 dwellings (or 1%) to the Borough’s housing provision. But that figure is not a ceiling. In particular CS1 policy states: “Most new development will take place within Rotherham’s Urban Area and Principal Settlements for Growth. At Principal Settlements and Local Service Centres development will be appropriate to the size of the settlement, meet the identified needs of the settlement and its immediate area and help create a balanced sustainable community...”

Where development cannot be accommodated in a sustainable way to meet the needs of the settlement as determined by the settlement hierarchy, then consideration will be given to identifying sites in other appropriate settlements within the same tier or within or on the edge of higher order settlements before searching for sites in settlements of a lower order in the hierarchy...”

CS1 explanation paragraphs 5.2.16 to 5.2.32 explain the settlement hierarchy. Catcliffe, Treeton, Orgreave falls within Category 4; it is of a lower order of functionality and is suitable for limited growth. This Policy requires the application of a cascade approach to new development.

Table 8 of Policy SP1 in the Publication Sites and Policies Document 2015, considers the targets, permissions and development site residential numbers: as already noted the Core Strategy target for this settlement grouping is 170; Planning permissions have been granted so far for 102 units, the balance required is 68. Permission, subject to the signing of a S106 planning obligation, is expected for parcel 0505 /H53 for 89 dwellings (the site directly to the south of the current application site) and a further site parcel 0489 / H57 with an anticipated capacity of 75 dwellings has also been identified (the Wood Lane, Treeton site, which is within the Green Belt.) In total a further 164 units are anticipated on known development sites (total 268, as opposed to the 170 target figure).

Those sites with planning permission 102 (units) qualify within NPPF Paragraph 47 (footnote 11) as contributing to the required 'deliverable' supply. On the signing of the S106 planning agreement for parcel 0505 (89 units), this would result in 191 units being some 10% above the 170 indicated in CS1 for the settlement. This would indicate exceedance of "limited growth" and suggests that the development of parcel 0501 (the application site) as not being developed in a sustainable way in accordance with Policy CS1.

The explanation includes that the Council is reviewing its Green Belt and Policy CS4 provides for the Green Belt and identified changes. Thus the identification of parcel 0489 / H57 is in accord with this Policy.

In view of the above it is accepted that the Council cannot clearly demonstrate a 5 year supply of housing, though it is not considered that this would outweigh the significant impact that the proposed housing would have on this area of allocated Urban Greenspace that performs a valuable Green Infrastructure benefit in this location.

#### Provision of open space on site

Core Strategy Policy CS22 'Green Space' states that: "The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community and will provide clear and focused guidance to developers on the contributions expected. Rotherham's green spaces will be protected, managed, enhanced and created by:

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development
- b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required
- c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development
- d. Considering the potential of currently inaccessible green space to meet an identified need.
- e. Putting in place provision for long term management of green space provided by development
- f. Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.
- g. Links between green spaces will be preserved, improved and extended by:



- i. Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature
- ii. Creating or extending green links where feasible as part of green space provision in new developments.”

The UDP Supplementary Housing Guidance 4: ‘Requirements for greenspace in new housing areas’ requires 20sqm of Greenspace per dwelling (where proposal relates to provision of between 50-100 dwellings). In this instance that would amount to a maximum of 1,280sqm (64 dwellings).

In this instance, the existing recreational benefits of the site are limited as it is overgrown with small trees and only contains informal paths through the site. It could not be used for active sport or recreational use. The indicative plans submitted with the current application propose 1,448sqm of usable public open space, plus the retention and improvement of public footpaths through the large tree planted area. This will create an improved environment for walkers and formalise existing poorly defined footpaths.

Policy CS22 refers to detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required. The supporting text notes that informal open space can include (amongst other things) “accessible countryside in urban fringe and rural areas – including woodlands.” Policy SP40 of the Sites and Policies document (September 2015) requires 55sqm per dwelling (24sqm per person) though has not been through formal examination and can only be given limited weight. Notwithstanding this, for 64 dwellings it would suggest a requirement of around 3,500 sqm of open space, and in this instance if the wooded areas to be retained/proposed on site are taken into account there is over 9,000sqm provision (including the 1,448sqm of actual open space proposed).

The application is in outline form and the detailed provision of open space would be considered at the reserved matters stage, and the indicative proposals are considered to represent an improvement in terms of the active open space provision in accordance with Core Strategy Policy CS22 ‘Green Space’ and Housing Guidance 4 of the UDP.

It is noted that Catcliffe Parish Council has requested a contribution towards the existing play facility off Sheffield Lane, though it is not considered that such a contribution would be justified in this instance due to the over-provision of Greenspace on the site. No additional children’s play facility is required on the site itself as it is within 400m of the existing facility off Sheffield Lane.

### Highways Issues

Whilst the application is in outline form, the means of access (for the first 50m) is to be considered in detail at this stage. Access would be taken off the end of Blue Mans Way and whilst an indicative link to the potential housing site to the south is shown on the indicative plan, which could be conditioned as part of any approval, the development of that adjacent site is not guaranteed. As such, it has to be assumed that all traffic will enter the site via Blue Mans Way.

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

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

The NPPF further notes at paragraph 32 that: "All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

Paragraph 34 to the NPPF further goes on to note that: "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised."

A Stage 1 Safety Audit has been prepared with regard to the intended means of access to the site (extension of Blue Mans Way). In this respect the "means of access" being applied for is the initial 50m approximately of road measured from the end of Blue Mans Way. This includes approximately 13m of road between the end of the adopted highway in Blue Mans Way and the boundary fence with the open land to the north (the main part of the application site). The remainder of the site layout has been submitted for illustrative purposes only. The proposed carriageway width from the end of the adopted highway in Blue Mans Way has been increased from 3m to 4.8m, which compares to the existing width in Blue Mans Way itself of 5.5m. The 4.8m width would continue into the main part of the application site (total length 20m) before widening out to 5.5m again. The South Yorkshire Residential Design Guide makes provision for a carriageway of this reduced width where vehicle speeds of the order of 20mph are anticipated. In addition, a raised block paved speed table is proposed where the road is reduced in width.

The existing Blue Mans Way has been constructed to this design speed by means of its horizontal alignment. Extending the road with a raised, block paved table would maintain this design speed concept and the introduction of a Traffic Regulation Order, financed by the development as part of a S106 Agreement (£3k), could formalise a 20 mph speed limit. Accordingly, the further revised access proposal is considered to be acceptable.

Discussions have taken place between the applicants agents and the Council's Travel Plan officer and a revised Travel Plan has now been submitted which is acceptable. The contribution of £36k towards measures to encourage non car modes of travel should be safeguarded by a S106 Agreement.

The application has generated a significant number of objections from nearby residents, particularly with regard to the use of Blue Mans Way as the sole means of vehicular access/egress. In this respect, the site has been visited on several occasions, including early morning (7-15am on Monday 27th October 2014), to observe the parking situation. Some parking in Blue Mans Way was observed. However, the carriageway width of 5.5 metres is capable of accommodating some on street parking whilst maintaining the ability for other vehicles to pass. In any event, Blue Mans Way is a public highway, the main function of which is to allow the passage of vehicular and pedestrian traffic. Obstruction of the highway is an offence under the Highway and Road Traffic Acts. There are separate pedestrian facilities. In these circumstances, it is considered that Blue Mans Way is capable of satisfactorily and safely accommodating the additional vehicular and pedestrian traffic likely to be generated by the proposal. Indeed, a previous planning permission for the Blue Mans Way estate, RB2002/875, indicated the possibility of Blue Mans Way being extended in the future.

Furthermore, the means of access applied for includes a stub road up to the southern boundary of the site adjacent No. 77 Blue Mans way. This is to allow for the possible future link to the adjacent development site which is the subject of a concurrent application, RB2014/1461. If implemented, this would enable a further point of access to/from the site in accordance with current advice contained "Manual for Streets" and the "South Yorkshire Residential Design Guide". These documents advocate the creation of a network of streets that provide permeability and connectivity to main destinations and a choice of routes. Such routes encourage walking and cycling and can lead to a more even spread of motor traffic throughout the area. These documents also accept the idea of narrowing the carriageway over a short length as a traffic calming feature.

Notwithstanding the fact that a link through to the adjacent site may not be achieved and that the development may solely be accessed from Blue Mans Way, it is considered that the development is sited in a sustainable location and would satisfy the provisions of Policy CS14 'Accessible Places and Managing Demand for Travel' and paragraphs 32 and 34 of the NPPF.

### Impact Upon the route of HS2

Turning to the issue of High Speed 2 (HS2), when the Secretary of State's Inspector considered the draft Core Strategy and its underlying evidence base his report at paragraph 166) addressed HS2. He concluded that the importance of the principle of the project justifies the main modification. The modification was to CS17 'Passenger Rail Connections' by which the Secretary of State added "g) the route of High Speed Two rail line" and new explanatory text paragraph 5.5.32.

In 2014 the Government published an amended route of HS2. A plan shows a further amended route of HS2 (and its 200m buffer), again as covering (not all, but) about a third of parcel 0501 (the application site). The 200m buffer is likely to include account for a cutting and also a functional buffer.

The Rotherham Local Plan 'Publication Sites and Policies' (September 2015) Policies Map (Sheet 2) identifies the 'HS2 Consultation Line published 2013 (route to be finalised by Government)' which runs close to the west/south of the site. Core Strategy Policy CS17 states that '*The Council will support development of the rail network, including High Speed 2, and will safeguard land for local rail projects including: g) The route of the High Speed 2 rail line.*'

The HS2 Phase 2 proposed route consultation ran from July 2013 to January 2014. Responses received as part of the consultation are being used to inform changes to the proposed route before making recommendations to the Secretary of State for Transport. A decision about how Phase 2 will proceed was expected towards the end of 2015 which had already been delayed from the previous estimated announcement date of 2014. No announcement has as yet been made and there are currently no Safeguarding Directions formally in place for Phase 2 and as a consequence, there are no formal requirements for planning applications to be referred to HS2 Ltd for consideration.

In the interim period prior to a final route being announced and/or formal Safeguarding Directions being issued, the weight to be attached to the HS2 Phase 2 section of the route as a material consideration in plan making and planning applications is a matter for the determining authority. In this regard the proposed route runs close to, but outside of, the application site though the 400m exclusion zone would still mean that the proposed line of HS2 would have an impact on the deliverability of the scheme as proposed. Despite this and in the absence of any Safeguarding Directions or Ministerial announcements regarding the safeguarding of land to which HS2 affects, it is not considered that a reason for refusal on this basis could be justified, therefore the weight given to Policy CS17, in this instance is considered to be minimal until such time when further Government announcements and decisions on the Phase 2 route are made following Ministerial review and announcement.

Having regard to all of the above it is considered that the proposal is acceptable in terms of HS2 and Core Strategy Policy CS17.

#### Noise Issues and Air Quality

Core Strategy Policy CS 27 'Community Health and Safety' states 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.

New development should be appropriate and suitable for its location. Proposals will be required to consider the following factors in locating and designing new development:

- a. Whether proposed or existing development contributes to, or is put at unacceptable risk from pollution, natural hazards or land instability

- b. Public safety and health risks directly arising from in-situ operations, past mining activity, and/ or from potential indirect or cumulative impacts on surrounding areas, sensitive land uses, and the maintenance of healthy functioning ecosystems.
- c. The impact of existing sources of pollution and the potential for remedial measures to address problems of contamination, land stability or air quality.
- d. Potential adverse effects of additional development near to hazardous installations and upon Air Quality Management Areas”.

Policy ENV3.7 ‘Control of Pollution’ states “The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport. Planning permission will not be granted for new development which...is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place.”

Paragraph 123 of the NPPF states: “Planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development...”

Planning Practice Guidance Paragraph 008 Noise states that the adverse effects of noise can be mitigated by either:

- Engineering
- Layout
- Use of planning conditions/obligations
- Mitigation.

Neighbourhoods (Environmental Health) have stated that any future occupiers will be affected by the noise from the nearby busy Sheffield Parkway. The site is noisy in nature because of its location and this is demonstrated by the noise levels that were recorded and the fact that the applicant target levels can only be achieved with windows closed and passive ventilation systems installed. The applicants` own report states “noise from road traffic noise on the Sheffield Parkway was found to be dominant across the site.” (Para 3.1.10.)

There also potential for noise disamenity and disruption from the site during construction to existing residential housing on Blue Mans Way.

As such these noise issues need to be further considered as part of any reserved matters application. Many of the noise issues in terms of internal noise and garden noise can only be fully considered as part of a reserved matters application. The indicative layout with the dwellings set back from the Parkway does however demonstrate that a residential layout is achievable on site which could mitigate noise concerns.

With regard to air quality the site falls outside of an Air Quality Management Zone and the submitted air quality impact document states that the impact from the development

is 'not significant'. However a number of mitigation measures on site are proposed to reduce air pollution, caused by the development.

Subject to appropriate conditions it is considered that the proposals are acceptable and in line with Policy ENV3.7 of the Rotherham Unitary Development Plan, Policy CS27 'Community Health and Safety' and the guidance set out in the NPPF.

### Flood Risk and Drainage

Policy CS25 'Dealing with Flood Risk,' notes that proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. In addition CS25 notes that proposals should demonstrate that development has been directed to areas at the lowest probability of flooding by demonstrating compliance with the sequential approach i.e. wholly within flood risk zone 1, and further encouraging the removal of culverting. Building over a culvert or culverting of watercourses will only be permitted where it can be demonstrated that it is necessary.

The NPPF notes that: "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems."

The initial drainage scheme involved open storage basins set within the retained Urban Greenspace. However the amended scheme now involves underground storage beneath the highway. The Council's drainage engineer considers that an underground storage solution is possible, though not the one currently suggested by the applicants. As this is an outline application this matter can be addressed at the reserved matters stage.

Having regard to the above and subject to the recommended conditions/informative it is considered that the proposals accord with Policy CS25 'Dealing with Flood Risk,' and the advice within the NPPF.

### Ecology/Biodiversity Matters

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

The NPPF further advises at paragraph 118 that: “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles:

- opportunities to incorporate biodiversity in and around developments should be encouraged.”

The ecological appraisal results are supported and the mitigation and enhancement measures are acceptable in principle. Further detail is required to ensure opportunities are maximised and that appropriate long-term management can be implemented, which can be controlled by condition.

With this in mind it is considered that the proposals accord with the relevant biodiversity policies and guidance of the NPPF and Policy CS20 subject to the imposition of a condition requiring the submission of a biodiversity enhancement statement.

#### Landscaping / tree matters:

With respect to these matters Policy CS21 ‘Landscapes,’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development. In respect of the proposed landscaping on the site the proposals are considered acceptable.

However, in terms of the impact of the proposals on the existing landscape, at present there are concerns and reservations regarding the proposals. This is due to the adverse impact on local amenity resulting from the loss of the designated Urban Greenspace and the existing trees and shrubs that help provide useful amenity and associated environmental benefits, including potential ecological opportunities. In addition, there is future potential for the existing trees and shrubs as a developing woodland, increasing any potential benefits as it matures. For these reasons it is difficult to support the application unless the benefits of development clearly outweigh the loss of the Urban Greenspace.

In view of the above it is considered that the proposals do not accord with Policy CS19 ‘Green Infrastructure’ in this respect.

#### Impact on existing/proposed residents

In assessing the impact of the proposed development on the amenity of neighbouring residents, regard has been given to the Council’s adopted SPG ‘Housing Guidance 3: Residential infill plots’ which sets out the Council’s adopted inter-house spacing standards. The guidance states there should be a minimum of 20 metres between principle elevations and 12 metres between a principle elevation and an elevation with no habitable room windows. In addition, no elevation within 10 metres of a boundary with another residential property should have a habitable room window at first floor.

Further to the above the NPPF at paragraph 17 states planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The applicant has submitted an indicative layout showing that 64 dwellings could be comfortably provided on site, without harming the amenity of neighbouring residents on Blue Mans Way or the new proposed dwellings on the adjacent site to the south. As such a proposed reserved matters application could comply with the guidance detailed within the adopted SPG 'Housing Guidance 3: Residential infill plots,' along with the advice within the SYRDG and that contained in the NPPF.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 77sqm for 3 bed properties and 93sqm for 4 bed properties. No house type plans have been submitted, however the plots are large enough to accommodate appropriate sized dwelling with rear gardens at or beyond 60sqm minimum recommend by the Council. As such the site has a potential to accommodate adequate housing subject to a reserved matters application.

Having regard to the above it is considered that the proposed indicative layout is in accordance with the guidance outlined in the SYRDG and Council's SPG 'Housing Guidance 3: Residential Infill Plots'.

### 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) 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 204 of the NPPF.

With the above circumstances in mind the following S106 Obligations are recommended should Planning Permission be approved.

- 25% provision of on site affordable housing.
- The creation of a green space management company to ensure the long term future maintenance of on site green space.
- Education contribution of £2,342 per dwelling.
- The contribution of £36,000 towards measures to encourage non car modes of travel.

The Parish Council has also requested a contribution towards improvements to the Village Hall. However the funding of improvements to the Village Hall is not considered to accord with the Government Guidance referred to above in terms of not being necessary to make the development acceptable in planning terms.



Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 204 of the NPPF and the Community Infrastructure Regulations and are therefore considered to be acceptable.

### **Conclusion**

The site is allocated for Urban Greenspace purposes in the adopted UDP and it also falls within the Rother 'Strategic Green Infrastructure Corridor' as identified in the Core Strategy. The applicant has not demonstrated how the proposed development of the site will adequately compensate for the loss of a significant part of the Green Infrastructure asset, and has not demonstrated what alternative provision of equivalent community benefit and accessibility in respect of the Urban Greenspace to be lost would be made, or how the development would satisfactorily enhance the local Urban Greenspace provision. Furthermore the proposal would result in the loss of the majority of a developing woodland, which offers both visual amenity benefits and associated environmental benefits as it matures. As such, the proposals are contrary to UDP and Core Strategy Policies and to the NPPF.

It is accepted that the Council cannot clearly demonstrate a five year supply of housing but it is not considered that this would outweigh the significant impact that the proposed development would have on the local Green Infrastructure and allocated Urban Greenspace. For the above reasons it is recommended that planning permission be refused.

Notwithstanding the above, it is accepted that sufficient open space can be provided on site to meet the needs of the proposed residents.

In highway terms the development would potentially all be accessed from Blue Mans Way, though it is considered that this road can adequately accommodate the additional traffic movements generated by the proposed development.

The proposed development is considered acceptable in terms of other impacts as set out in the Appraisal section above.

### **Reason**

The site is allocated for Urban Greenspace purposes in the adopted UDP and falls within the Rother 'Strategic Green Infrastructure Corridor' as identified in the Core Strategy. The applicant has not demonstrated how the proposed development of the site will adequately compensate for the loss of a significant part of the Green Infrastructure asset, and has not demonstrated what alternative provision of equivalent community benefit and accessibility in respect of the Urban Greenspace to be lost would be made, or how the development would enhance the local Urban Greenspace provision.

It is accepted that the Council cannot clearly demonstrate a 5 year supply of housing, and the proposed development would contribute towards the supply. However, the proposed development would result in the exceedance of "limited growth" as set out in the Settlement Hierarchy, and it would not be sustainable, contrary to Policy CS1 'Delivering Rotherham's Spatial Strategy.' In addition, it is not considered that the benefits of the provision of additional housing outweigh the significant impact that the

proposed housing would have on this area of allocated Urban Greenspace that performs a valuable Green Infrastructure function.

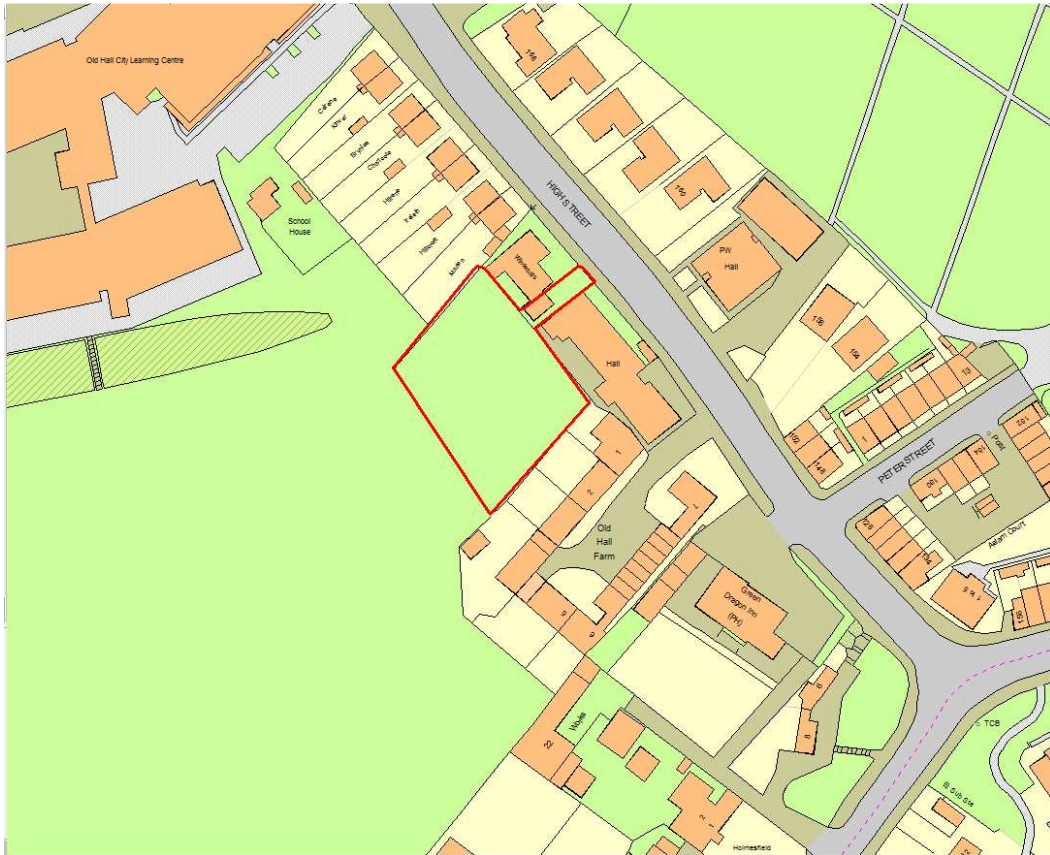
As such, the proposals are contrary to UDP Policy ENV5.1 'Allocated Urban Greenspace' and Core Strategy Policies CS1 'Delivering Rotherham's Spatial Strategy' and CS19 'Green Infrastructure' and to the NPPF.

#### POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant entered into pre application discussions with the Local Planning Authority, following the submission of the application and the subsequent amended documents the scheme could not be supported by the Local Planning Authority.

<b>Application Number</b>	<b>RB2015/1357</b>
<b>Proposal and Location</b>	Erection of 3 no. dwellinghouses with associated access & landscaping (including relocation of existing garage) at land to rear of Winterhills, High Street, Kimberworth, S61 2BH
<b>Recommendation</b>	Grant subject to signing of S106 legal agreement and to relevant conditions to secure contributions of £30,000 towards off site affordable housing

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



## Site Description & Location

The site is located on High Street, Kimberworth, approximately 1.5km from the junction 34 of the M1.

The site is located to the west of the property known as Winterhills and St Thomas Church Hall and north of the Grade II Listed Old Hall Farm which comprises of 6 dwellings within a converted barn. To the north of the site are several properties on High Street, which are at a lower level than the application site and to the west of the site is the playing fields and site of Winterhill Comprehensive School.

The site is approximately 0.15ha and comprises of part of the property known as Winterhills which is a detached bungalow and the main development site which is currently vacant and overgrown.

## Background

There have been several planning applications submitted relating to this site between 2006 and 2007 for potential residential development, all of which were withdrawn:

- RB2006/0218 – Erection of 3 no. detached dwellinghouses
- RB2006/1313 – Erection of 2 no. detached dwellinghouses
- RB2007/1161 – Erection of 3 no. detached dwellinghouses

## Proposal

The proposals for the site consist of the following:

- demolition of existing single garage at Winterhills property to create access to site;
- erection of replacement single garage to rear of Winterhills; and
- erection of 1 no. 4-bedroom dwelling and 2 no. 3-bedroom dwellings

The existing attached garage at Winterhills is to be demolished in order to facilitate an access 5 metres wide to the proposed dwellings and a new detached garage is proposed to be located to the rear of Winterhills within its extended rear garden.

The new garage at the rear of Winterhills will be sited approximately 6.2 metres from the rear of Winterhills, approximately 5.2 metres from the boundary with the adjacent property (Marlen) and approximately 6.9 metres from the front of Plot 1. It would be approximately 4.2 metres wide and 6.6 metres deep, with an eaves height of approximately 2.6 metres and a ridge height of approximately 5 metres. It would have a large timber door with a small opening above, a small opening is proposed in the rear roofslope.

The three proposed dwellings would be sited within a single block, between 9 and 13 metres from the sites rear boundary with the School playing fields and would be accessed via a new vehicular access from High Street between Winterhills and St Thomas Church Hall. The front of the properties would comprise of 6 parking spaces, manoeuvring space and an area of hard and soft landscaping. To either side of the block would be a footpath, gates, fencing and soft landscaping; at the rear of the block would be individual rear gardens.

The proposed building would be approximately 35 metres long and approximately 6.7 metres wide at the south-eastern elevation and approximately 10 metres at the north-eastern elevation, as plot 1 has an off-shot feature.

The property at Plot 1 (adjacent to Marlen) would be the largest of the three; it would have a 3.3 metre projection at the front which would occupy approximately 6.7 metres of the front elevation and be 6.6 metres high. The main part of the property at Plot 1 would be approximately 7.8 metres high with a gable feature on the front and rear which would not project out.

The remaining properties at Plots 2 and 3 will be identical; they would have an eaves height of approximately 3.1 metres and a ridge height of approximately 6.8 metres.

All properties would have rooms in the roofspace with rooflights inserted into the front and rear roofslopes.

The dwellings and garage at the rear of Winterhills are to be constructed in sandstone block, with grey slate tiles or similar. The windows are proposed to be treated timber framed, with sandstone lintels / window surrounds and ornamental sandstone details.

The boundary of the site with Old Hall farm is proposed to be a stone wall abutting the existing stone wall 900mm high with a close boarded timber fence panel 900mm above (1.8 metres in total). The boundary with the school playing fields will remain unaltered with the 1.7 metre stone wall retained. The boundary with the property Marlen will consist of a close boarded timber fence 1.8 metres high, all remaining boundaries of the site will be unaltered.

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

#### Design and Access Statement

The statement outlines the site location, proposal details and policy context of the development.

#### Heritage Statement

The statement has been submitted to assess the impact of the proposed scheme on the site and its relationship with the adjacent listed building (Old Hall Farm). The report establishes that the proposals will have a minimal impact on the setting of the listed building for a number of reasons. Primary amongst these are the fact that there is a relative lack of intervisibility between the proposals and much of the heritage asset, and the proposals will do little to interrupt the intervisibility between the heritage asset and surrounding buildings, and points from which Old Hall Farm is publicly visible.

It further states that were there are views between the heritage asset and the proposal site, these views do not have a significant contribution to the wider landscape setting, and that they are not a major factor to the overall significance of the listed building. The report concludes the adverse impact on the overall significance of the site is low and represents less than substantial harm when considered against the NPPF test.

#### Coal Mining Risk Assessment

The report concludes that the Parkgate seam is likely to be present at very shallow depths below the site. The Thornccliffe seam is also thought to be present. It is recommended that a site investigation is carried out to determine the depth of the seams and to confirm whether they have been worked in the past.

#### **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 'saved' policies from the Unitary Development Plan (UDP).

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

Core Strategy policy(s):

- CS1 'Delivering Rotherham's Spatial Strategy
- CS3 'Location of New Development'
- CS7 'Housing Mix and Affordability'
- CS6 'Meeting the Housing Requirement'
- CS14 'Accessible Places and Managing Demand for Travel'
- CS21 'Landscape'
- CS23 'Valuing the Historic Environment'
- CS28 'Sustainable Design'
- CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'  
HG4.4 'Backland and Tandem Development'  
HG5 'The Residential Environment'  
ENV2.8 'Settings and Curtilages of Listed Buildings'

### **Other Material Considerations**

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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

Further to the above, guidance set out within the following documents is also relevant in assessing this application:

Rotherham's adopted Supplementary Planning Guidance (SPG) – 'Housing Guidance 3: Residential infill plots'

Rotherham's adopted Parking Standards

South Residential Design Guide

### **Publicity**

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. A further letter was sent out after receiving amended plans. A number of letters of representation have been received from 6 individual addresses. The comments raised are summarised below:

- There is a significant difference in levels between the site and Old Hall Farm.
- The development would have an adverse impact on the residential amenity of neighbouring residents.
- A 2 metre high stone wall should be provided along the boundary with Old Hall Farm, not a fence as shown.
- The proposal will affect the privacy of residents of Old Hall Farm.
- Permitted Development rights for extensions and outbuildings should be removed from the dwellings.
- A condition should be attached to ensure no windows or other openings are inserted into the side gable of the dwelling on plot 3 to ensure no undue loss of privacy.
- The disturbance caused by vehicles turning within the site in terms of noise and light.
- The proposed development could lead to further flooding problems.

- The vehicle access is too narrow and will have poor visibility; it will cause conflict with the means of escape for the community hall.
- The access is just beneath the brow of the hill and additional traffic will be detrimental to highway and pedestrian safety.
- The Council should do something to reduce the speed of traffic on High Street particularly coming over the hill.
- The proposal will reduce the amount of on street parking for the two community halls.
- The development will be overbearing when viewed from our extension.
- There is an existing private vehicle access between nos. 3 and 4 Old Hall Farm and a five bar gate leading into the application site, the gate should be removed and replaced with adequate boundary treatment.
- Future residents using the rear garden of Plot 3 will be able to look into the rear rooms of Old Hall Farm.
- The Parish Church of St. Thomas have a legal right of access of approximately 1 metre down the right hand side of the building and around to the rear where the boiler room is situated.
- The access drive could cause a hazard to the access / right of way to the boiler room.
- The hall is used almost daily by numerous different groups, some of which use music in their activities.

## **Consultations**

Streetpride (Transportation Unit): Have no objections to the granting of planning permission in a highways context, subject to conditions.

Neighbourhoods (Land Contamination): Given the sites former use and surrounding land uses a Phase 1 Desk Top Study should be submitted prior to commencement of development.

Neighbourhoods (Tree Service Manager): No objections to the proposed development.

Conservation Officer: Has no objections to the proposal in respect of its impact on the setting of the adjacent Grade II listed building.

Neighbourhoods (Urban Design Officer): Has no objections to the scheme from a design perspective.

Neighbourhoods (Affordable Housing Officer): The development will attract the affordable housing commuted sum in lieu of on-site delivery. Fee rate = £10,000 per plot so a total of £30,000.

The Coal Authority: The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

Yorkshire Water: Have no comments to make.

## **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 this application are:

- Principle
- Design and Visual Amenity
- Impact on Heritage Asset
- Residential Amenity
- Highways Issues
- Affordable Housing
- Other considerations

#### Principle

Policy HG4.4: "The Council will resist the development of dwellings in tandem except in cases of low density where further development would not be detrimental to the amenities and character of the area. In these exceptional circumstances, the Council will impose criteria relating to building height, space around the building, privacy, safety and vehicular access."

In this instance it is considered that the development is of a low density and would not be detrimental to the amenities and character of the area. Furthermore the proposed building is of an appropriate height, scale, form and design, while there is sufficient space around the building for parking, manoeuvring and amenity space. Furthermore, the proposal would ensure there is an appropriate level of privacy, safety and vehicular access.

In addition, the proposal would comply with Policy HG4.3 given the application site is surrounded by residential properties within a built-up residential area, whereby the application site and surrounding area is allocated for residential purposes, and as such the proposal would be compatible with the land use of the site and adjoining residential uses.

The site is located within one of the "Principal Settlements for Growth" as defined in policy CS1 of the adopted Rotherham Core Strategy which states: "At Principal Settlements and Local Service Centres development will be appropriate to the size of the settlement, meet the identified needs of the settlement and its immediate area and help create a balanced sustainable community."

It is also noted that the Council cannot currently demonstrate a five year supply of deliverable housing sites and the application therefore must be considered in light of the 'presumption in favour of sustainable development' contained within paragraph 14 of the NPPF and adopted policy CS33. Therefore, planning should be granted unless "any



adverse impacts of doing so would significantly and demonstrably outweigh the benefits”.

The site is within close proximity of the local services, existing housing areas and near to public transport services with links to the town centre, Sheffield and Meadowhall. Therefore it is acknowledged that the site is within a highly sustainable location, which complies with policies CS1, CS3, CS14 and CS33 of Rotherham’s adopted Core Strategy.

Furthermore, policy CS6 of the Core Strategy states housing development will be expected to make efficient use of land while protecting and enhancing the character of the local area. It is considered that given the location of the site and its size the proposal will make an efficient use of this site and will enhance and protect the character of the local area.

Accordingly, in light of the above the principle of residential development on this land would be acceptable and would comply with policies within the NPPF, Core Strategy of UDP.

Therefore as specified in the NPPF planning should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”. The remainder of this report will assess whether the proposal will give rise to any adverse impacts that would significantly and demonstrably outweigh the benefits.

### Design and Visual amenity

Policy HG5 of the adopted UDP encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is echoed by the NPPF.

The NPPF at paragraph 17 requires development to always seek a high quality of design, while paragraph 56 states: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” In addition paragraph 57 states: “It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development scheme.”

Policy CS21 states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the Borough’s landscapes. In addition policy CS28 indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with well-designed buildings. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

In respect of the design and appearance of the proposed dwellings it is considered to be of an acceptable and appropriate form which has been sympathetically designed with significant references to the adjacent Old Hall Farm complex, in respect of form, proposed materials, fenestration and features. Furthermore, the proposed detached

garage is also considered to be appropriately designed and sited. Accordingly, it is considered that the proposal would not be at odds with the immediate surrounding area and by virtue of its size, scale, form, design and siting would have a good relationship with adjacent and surrounding properties and the surrounding area in general. As such it is considered that it would not adversely affect the character of the area or introduce an incongruous feature.

Furthermore, the size of both the proposed dwellings and garage are considered appropriate in relation to the size of the site, as the proposed dwellings will be provided with an appropriate amount of floor space and private amenity space that accords with the guidance detailed in the South Yorkshire Residential Design Guide. Additionally, space for cars to be parked within the site, in accordance with Council's adopted Minimum Parking Standards will also be provided. Therefore the proposal will not result in the overdevelopment of the site.

In light of the above it is considered the proposal would represent an appropriate and acceptable form of development that would be in full compliance with the requirements of the NPPF and Core Strategy policy CS28 and would not adversely affect the character or appearance of the area.

#### Impact on Heritage Asset

The heritage asset is Old Hall Farm, a Grade II listed complex of former agricultural buildings of 18<sup>th</sup> century origin that has been sensitively refurbished into 6 residential properties.

The listing of the asset references architectural features such as the prominent dovecote, the materials palette and the distinctive separate barn and domestic ranges which form an L-shaped plan, contributing to its enclosed setting. In addition to this, particular details are acknowledged as contributing to its historic significance, including the segmental arched openings, large quoins, ventilation slits and ashlar detailing.

It is also of note that nos. 2 and 3 Old Hall Farm have in the past 5 years had a single-storey rear extension added to the property.

Policy CS3, at point 3 and CS23 of the adopted Core Strategy requires development to give scrutiny to design in general as well as to heritage assets and conserve and enhance them and their settings.

In addition 'saved' UDP policy ENV2.8 states the Council will resist development proposals which detrimentally affect the setting of a listed building or are harmful to its curtilage structures in order to preserve its setting and historical context.

It is considered that the proposed development will not cause any significant harm to the listed buildings, despite the fact that by virtue of its positioning and proximity it will doubtless become a prominent feature in the local setting. However, as the proposals will do little to interrupt the intervisibility between the heritage asset and surrounding buildings, and points from which Old Hall Farm is publically visible, the development will have only very limited impact on the heritage asset, in the context of preserving the setting and historical context of the listed building.

Paragraphs 132 and 134 of the NPPF discuss how decisions should be made when applications impact upon the significance of a designated heritage asset. Paragraph 132 includes the following statements:

- “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.
- Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.”

In view of the above it is noted that Old Hall Farm will not be physically affected by the proposals and the impact on its setting has been assessed as minimal. Furthermore, the submitted heritage statement demonstrates that the proposal will do little to impact on those aspects of the asset’s setting that make the most positive contribution and any harm is far from substantial.

Paragraph 134 states that where a development proposal leads to less than substantial harm to the significance of a designated asset, then it should be weighed against other benefits of the proposal. In this instance the benefits of this scheme include the development of an allocated residential site in a highly sustainable location that will significantly enhance its current appearance given it has been left to become overgrown and untidy which detracts from the setting of the heritage asset. Furthermore it will, albeit on a small scale help towards the Council achieve its housing numbers.

In light of the above it is concluded that the proposal will help to conserve and enhance the setting of the adjacent heritage asset and will subsequently be in full compliance with the policies CS3 and CS23 of the adopted Core Strategy, ‘saved’ UDP Policy ENV2.8 and relevant paragraphs of the NPPF.

### Residential Amenity

The Council’s adopted SPG ‘Housing Guidance 3: Residential infill plots’ sets out the Council’s inter-house spacing standards. The guidance states there should be a minimum of 20 metres between principle elevations; 12 metres between a principle elevation and an elevation with no habitable room windows; and no elevation within 10 metres of a boundary with another residential property should have a habitable room window at first floor and should not contain a habitable room window at ground floor unless there is sufficient and appropriate boundary treatment.

Further to the above the NPPF at paragraph 17 states planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The proposed building would be sited approximately 12 metres from the single-storey rear extension of no. 2 Old Hall Farm and approximately 13 metres from the single-storey rear extension of no. 3 Old Hall Farm. Furthermore, the proposed building would be approximately 16 metres from the original rear elevation of no. 2 Old Hall Farm and approximately 17 metres from the original rear elevation of no. 3 Old Hall Farm. Therefore, although two small narrow windows to a bedroom are proposed at first floor of the side elevation, these are to be conditioned to be obscurely glazed, and as such,

the spacing distance between the proposed and existing is acceptable and in compliance with the adopted guidance. Accordingly, it is considered the proposed development would not give rise to an overbearing relationship between the buildings and there would be no direct overlooking of the properties at Old Hall Farm. Furthermore a condition restricting additional openings on this elevation is proposed to ensure privacy is maintained for both existing occupants of Old Hall Farm and future residents of the development.

In addition, the proposed 1.8 metre boundary treatment along the boundary with Old Hall Farm will also be acceptable and will ensure there is no direct overlooking between private amenity spaces or into ground floor habitable room windows. It is noted that some objectors have stated that they would prefer a 2 metre stone wall along this boundary. These concerns have been considered but it is considered that such boundary treatment would be visually oppressive to the occupants of Old Hall Farm given their small rear gardens and the mixture of a stone wall abutting the existing stone wall with close boarded timber fence above would be more sympathetic. It is of note however the occupants of Old Hall Farm could increase their own existing boundary wall to 2 metres without planning permission if the owners so wish.

Further to the above and in respect of suitable daylight for habitable rooms this is achieved when a 25 degree vertical angle is taken from the centre of the lowest window and is kept unobstructed. The recommended distance between the buildings is dependent on the opposing property ridge height. If the building opposite has a high ridge the loss of daylight will be more notable than if the building has a lower ridge height. In this instance the whole development would be sited below a 27.4 degree vertical line from the centre of the ground floor habitable room windows of Old Hall Farm. Therefore, a small section of the roof of the first dwelling would be above the recommended 25 degree line. However, given the distance between the elevations would be a minimum of 12 metres, together with the orientation of the site and the overall height and form of the proposed dwellings, then it is considered that on balance the impact on the amount of daylight entering the ground floor habitable rooms of Old Hall Farm will be minor and not significant enough to warrant a refusal of planning permission.

In addition to the above and with regard to the impact on other adjacent properties, including Winterhills to the east and Marlen to the north, it is noted that the front of Plot 1 would be sited approximately 6.5 metres from the rear boundary of Winterhills and approximately 17 metres from the rear elevation of the same property. Furthermore, the front of Plot 1 would be approximately 22 metres from the rear elevation of Marlen and Plot 1's side elevation would be approximately 2.5 metres from the final 5 metres of the side boundary Marlen's rear garden which is some 27 metres long.

Marlen is at a lower land level than the application site, but given the proposed property's siting at the extreme end of Marlen's 27 metre long rear garden it is considered that it would not appear overbearing from Marlen or from within the majority of its rear garden. Furthermore, there would be no adverse impact on the occupants of the neighbouring bungalow Winterhills, as the proposed garage and boundary treatment would screen views from the ground floor of the proposed dwelling and there would be no direct looking into habitable room windows from the first floor of the proposed dwelling.

Therefore spacing distances detailed above are in this instance considered to be acceptable and would not result in the proposed property adversely affecting the outlook from neighbouring properties by appearing overbearing; would not give rise to any privacy or overlooking issues, and would not lead to any overshadowing of habitable rooms.

It is noted that some concerns have been raised by local residents regarding the use of the proposed manoeuvring and parking area and the potential for noise disturbance and light nuisance from headlights. In this regard it is considered that the proposed close boarded timber fence, will act as a screen that will prevent headlights from entering neighbouring properties and will also act as a buffer for the majority of noises from residents cars. Furthermore, the area will only serve 3 dwellings and any use of the parking / manoeuvring space will be low-key.

Therefore in light of the above and in terms of the proposed developments impact on the amenity of those residing at surrounding properties, it is considered that given the height, size, siting, design of the proposed building, together with the orientation of the site, land levels and proposed boundary treatment, the proposal would comply with the requirements of the Council's adopted guidance and the NPPF. Therefore, the proposal would not appear overly dominant or overbearing when viewed from surrounding properties and would not give rise to any overshadowing or privacy issues.

Further to the above it is considered that the future residents of these properties would also have a good standard of amenity. It is considered that the properties will not be directly overlooked from neighbouring properties, neighbouring properties would not appear overbearing when viewed from the proposed dwellings and the siting and orientation of neighbouring properties will have little impact on the proposed being overshadowed. Moreover the future residents will all be provided with dwellings and private amenity spaces that exceed the minimum standards detailed within South Yorkshire Residential Design Guide.

It is noted that the neighbouring hall is used by a number of community groups throughout the day with some music being used to accompany the uses. It is considered that any music would be of a low volume when heard from the proposed dwellings and would be within daytime hours. Therefore any disturbance would be minimal and would not cause an unacceptable nuisance to future residents.

In light of the above it is considered that future residents of the proposed dwellings would secure a good standard of amenity and as such would comply with the requirements of the NPPF.

### Highway issues

The proposed access to the site involves the removal of an existing single garage that currently serves the dwelling 'Winterhills'. A replacement for this is proposed at the rear of the property and as a result of the proposals each dwelling will have access to an appropriate 2 no. car parking spaces each.

The access drive will be increased in width to 5m and that the garage set back so as to provide inter-visibility. It is also noted that the proposed car parking facilities will comply with the Councils car parking standards.

It is acknowledged that several complaints centred on parking and highway issues, particular when people visit the neighbouring St Thomas Church Hall and park along High Street. It is noted that car parking does take place within the highway fronting the site this is not uncommon in residential areas as there are no parking restrictions. With regard to the current application, the Council's Transportation Unit have indicated in response to the objections that they can support the scheme for the following reasons;

- 1) The proposed access is capable of accommodating two way traffic flows.
- 2) On site car parking is in accordance with the Council's Minimum Residential Standards.
- 3) Car parking facilities are to be provided for the existing dwelling.
- 4) A manoeuvring facility has been provided such that cars can access / egress the site in a forward gear.

This being the case, the proposal will not give rise to any highway issues.

It is noted that an issue raised by an objector requests that the Council should do something to reduce the speed of traffic on High Street particularly coming over the hill. This is not something that can be achieved through the planning system and would require colleagues in Streetpride to carry out investigations. It is of note that this issues have been passed to the Traffic Liaison Officer to look into.

### Affordable Housing

In regard to affordable housing provision, policy CS7 states:

- a) Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community.
- b) The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development.

In this instance as the scheme is for only three units, there would be no requirement for on-site affordable housing, but the development will require a financial contribution of £10,000 per dwelling as a contribution to off-site affordable housing. This will be achieved by the Council entering into a section 106 agreement with the developer and will be signed by both parties should Members be minded to grant planning permission.

### Other considerations

With regard to the majority of the issues raised by the objectors, these have been assessed and addressed in the previous sections of this report as they are material planning considerations. However, certain issues raised by the objectors are not material planning considerations and cannot be taken into account in the determination of the application. These would include the legal right of access the Parish Church of St Thomas have to access their boiler to the left hand side of access road as viewed from High Street.

This issue is a legal matter, which does not fall within the jurisdiction of the Town and Country Planning Act, but is not overruled should this application be approved by members. Therefore, the legal right of way would have to remain. Although there is no proposal to alter the current situation and instead of the Parish Church using the drive of Winterhills to access the boiler they will use the access road to the new development.

It is further noted that some of the objections related to issues raised with the applications in 2006 and 2007. However, since then both national and local planning policies and guidance have been superseded, therefore the previous applications cannot be given any weight in the determination of this application.

Further to the above and given there is no highway at the front of the site, the addition of porches, front extensions, dormer windows and outbuildings could be constructed without planning permission and would increase overlooking or have an adverse effect on the character and appearance of the host property, it is considered appropriate to withdraw permitted development rights for such features. In addition, the introduction of side and rear extensions given the character of the development and the proximity to neighbouring properties could also impact adversely. Therefore the Council by withdrawing permitted development rights will be able to monitor and fully assess the impact any such addition to the proposed dwellings would have on the host property and the surrounding area.

## **Conclusion**

In conclusion and with regard to the issues raised by the objectors, which have been fully considered in the determination of this application, it is considered that the issues raised would not significantly and demonstrably outweigh the benefits of the development, which include the fact that the development would constitute sustainable development that would bring a vacant residential site into use with an attractive scheme, which is of an appropriate design and that does not have an adverse effect on the setting of the adjacent listed building; the amenity of neighbouring residents or highway users.

Therefore given the Council cannot demonstrate a five year housing land supply and the application constitutes sustainable development that accords with the policies and guidance of the Council's adopted Core Strategy and UDP; the application is recommended for approval subject to conditions and the signing of an s.106 agreement as directed in paragraph 14 of the NPPF.

## **Recommendation**

- A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:
  - A contribution of £30,000 towards the provision of affordable housing within Rotherham
- B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the following conditions:

## Conditions

01

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

Reason

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

## Pre Commencement Conditions

02

Prior to commencement of development a scheme for intrusive site investigations shall be submitted to and approved in writing by the Local Planning Authority. The undertaking of the approved scheme shall be carried out prior to commencement of development and a report detailing the findings arising from the intrusive site investigations and scheme of remedial works shall be submitted to and approved by the Local Planning Authority prior to commencement of development. The approved remedial works shall be implemented prior to commencement of development.

Reason

To establish the exact situation regarding coal mining legacy issues on the site and to ensure the safety and stability of the proposed development.

03

Prior to commencement of development a Phase I Site Assessment Report consisting of a desk top study, a site walkover, and a conceptual site model must be undertaken to obtain an understanding of the sites history, its setting and its potential to be affected by contamination. This report must be submitted to this Local Authority for review and consideration. If further intrusive investigations are recommended then these works must be undertaken in accordance with the conclusions and recommendations detailed in the Desk Study Report.

The above should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 – 4).

Reason

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

## Other Conditions

04

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)

2324-001, received 9 October 2015

2324-002D, received 8 December 2015



2324-003E, received 1 December 2015  
2324-004E, received 1 December 2015  
2324-007, received 1 December 2015  
2324-008A, received 8 December 2015

Reason

To define the permission and for the avoidance of doubt.

05

The dwellings hereby approved shall not commence construction 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

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

06

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

07

Before the development is brought into use the car parking area shown on the approved plan (drawing number 2324-002D) shall be provided, marked out and thereafter maintained for car parking.

Reason

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

08

Prior to the occupation of the first dwelling hereby approved, 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.

09

The windows at first floor on the side elevation of Plot 1 and Plot 3 shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

In the interests of the amenities of the occupiers of adjoining properties.

10

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows or openings other than those expressly authorised by this permission shall be inserted into the side elevation of Plots 1 and 3 hereby approved.

Reason

In the interests of the amenities of the occupiers of adjoining properties.

11

Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions to the properties, outbuildings to their gardens or additions / alterations to the roofslopes other than those expressly authorised by this permission shall be carried out without the prior permission of the local planning authority.

Reason

In order to restrict the potential for the dwellings to be considerably increased that may impact on the character of the development and in the interests of the amenities of the occupiers of adjoining properties.

12

The boundary treatment detailed on drawing numbers 2324-007 and 2324-008A shall be completed in accordance with the approved details prior to the occupation of the first dwelling, the timber sections shall be painted dark green (BS14C39) unless otherwise agreed in writing with the Local Planning Authority and shall thereafter be retained.

Reason

In the interests of the visual amenity of the area and in accordance with Core Strategy Policy CS28.

13

The dwellings hereby approved shall not commence construction until details of the Conservation style rooflights have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be implemented in accordance with the approved details and shall be fitted flush with the roofslope.

Reason

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

14

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: Trees in Relation to Design, Demolition and Construction and positioned in accordance with the submitted tree protection plan from Weddle Landscape Design Job No 595 Number HSK02 dated Oct 2015. 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

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

15

Before the development is brought into use, a Landscape scheme, showing location and types of landscape 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

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows' and policies CS28 'Sustainable Design' and CS21 'Landscapes' of Rotherham's adopted Core Strategy.

### **Informatives**

01

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 02 and 03 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

1. 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.

2. The details required under condition numbers 02 and 03 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

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

02

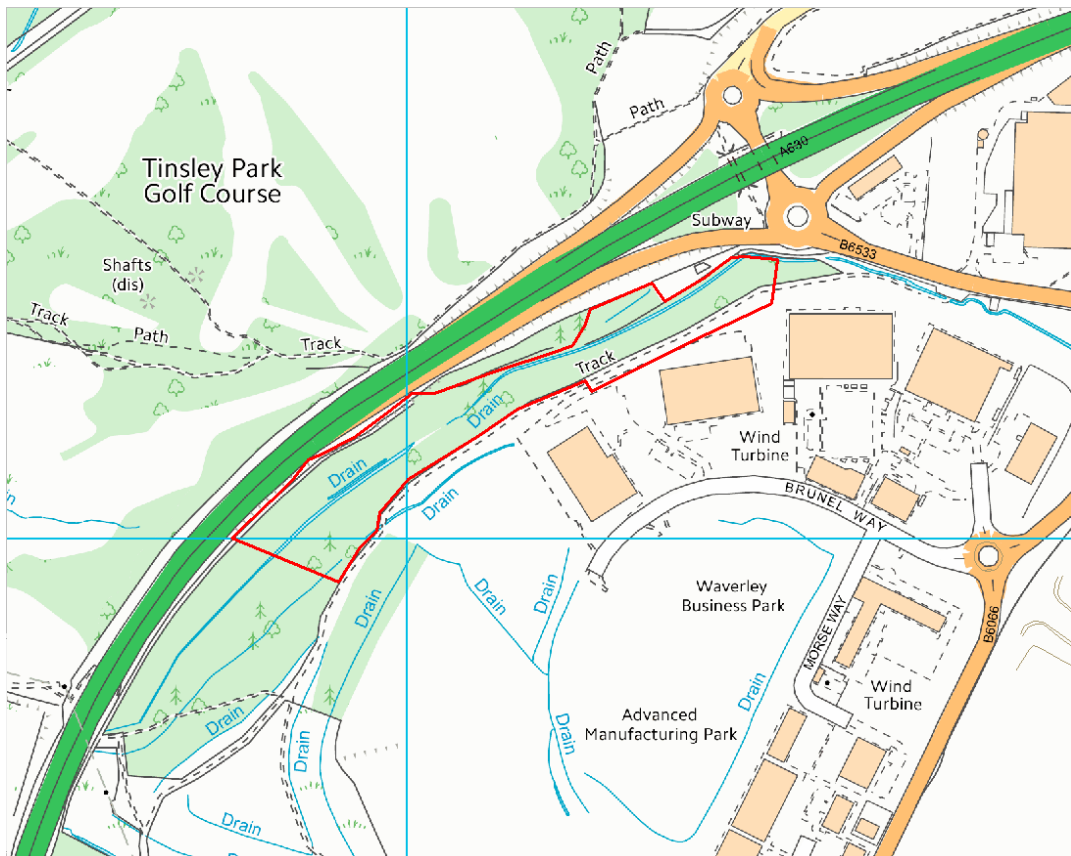
The granting of this permission does not override any restriction/requirement set out in any deeds or covenants relating to the site or any right of way that may exist over the site. These are separate matters that need to be resolved accordingly before development can take place.

## POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	<b>RB2015/1429</b>
<b>Proposal and Location</b>	Phased engineering works to form level development plateaus at land to the west of Brunel Way, AMP, Waverley, S60 5WG
<b>Recommendation</b>	Grant subject to conditions

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for minor operations.



### Site Description & Location

The application site extends to approximately 3.6 hectares in area and is located within the Advanced Manufacturing Park (AMP) which is to the east of Sheffield and west of Rotherham. The AMP is bounded by the A630 Sheffield Parkway on its north-western boundary, a railway to the south, Highfield Spring (B6066) to the east and Poplar Way (B6533) to the north.

The site currently comprises of restored scrubland and consists of an artificial valley between the Sheffield Parkway embankments and the embankments associated with existing development platforms in the AMP.

### Background

The site historically formed part of the wider opencast coal mining operations, however since its restoration in the early 1990's has not been the subject of any formal planning applications, however does lie directly adjacent to the consented Advanced

Manufacturing Park which has various planning permissions relating to the erection of industrial uses.

Planning permission was however granted for engineering works to form a level development plateau (RB2012/1416) on land immediately to the south-west in December 2012 which is nearing completion.

## **Proposal**

The proposal seeks consent for engineering works to form development plateaus for future development on the site as part of the planned future expansion to the AMP.

The proposed engineering works will form level development plateaus with the levels running from 74m AOD in the west to 67m AOD in the east. The proposed plateaus will result in a reduced valley between the proposed development plateaus and the Sheffield Parkway embankments and will be undertaken over two phases, with phase 1 encompassing the western part of the site and phase 2 encompassing the eastern part of the site.

Having regard to the level changes, the most significant change will take place within Phase 2 of the development which includes a 9m increase from the existing levels (57.99m AOD to 67m AOD). These level changes gradually decrease in a westerly direction with level changes of 3.339m, 0.493m and 1.72m.

The preliminary earthworks quantities show a total fill requirement (both engineered and top soil) of approximately 85,000m<sup>3</sup>. Any surplus material will be utilised as landscape fill. The proposed imported fill is proposed to come from material within the wider Waverley Development Area (AMP and new community).

Future development on the application site would be subject to separate planning applications.

The application is accompanied by the following documents:

### Planning Statement

This statement provides a description of the development and assesses the proposals against the relevant planning policies and guidance contained within the Core Strategy, UDP and the National Planning Policy Framework. It goes on to conclude that the proposed works fully accord with national and local planning policy.

### Extended Phase 1 Habitat Survey

This report maps the habitats present within the site and records any evidence indicating the presence of protected species having regard to key legislation and planning policies. The report concludes that there were no identified protected species on site and recommends mitigation to reduce the impact of the works on the biodiversity value of the site.

### Flood Risk Statement

This statement considers how the proposed engineering works will ensure compliance with the original Flood Risk Assessment (FRA) and outline Surface Water Drainage Strategy. It concludes by stating that the site lies entirely within Flood Zone 1, there are no other significant flood risks that will adversely impact on the development proposals,

it will not increase downstream flood risks and as such the proposals are in accordance with existing planning approvals.

### **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 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for Industrial and Business purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'

CS3 'Location of New Development'

CS9 'Transforming Rotherham's Economy'

Unitary Development Plan 'saved' policy(s):

Policy EC2.1 'Sites for New Development'

Policy EC3.1 'Land Identified for Industrial and Business Use'

Policy ENV3.7 'Control of Pollution'

### **Other Material Considerations**

National Planning Policy Framework: The NPPF came into effect on March 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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 Core Strategy/Unitary Development 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 a press and site notices along with individual neighbour notification letters to adjacent properties. No letters of representation have been received.

### **Consultations**

Streetpride (Transportation and Highways) confirm that the proposal is unlikely to result in a material adverse highway impact and as such have no objections to the proposal subject to conditions.

Environmental Health (noise) conclude that there is potential disamenity from dust and noise generated from the excavation and levelling of materials on site, however suggest that conditions requiring the sheeting of lorries entering and leaving the site and measures to be taken to prevent mud on the highway would satisfy this.

Environmental Health (Land Contamination) acknowledge that it is proposed to obtain site won material from within the wider Waverley project area and deposit such materials in the western and eastern parts of the site and raise no objections subject to the imposition of conditions,

Streetpride (Drainage) confirm that the drainage proposals are satisfactory and note that when the site is to be developed the applicant will be required to provide additional and more detailed drainage proposals.

Streetpride (Landscape) acknowledges that the landscape strategy along the Parkway will be a significant change to the current landscape but one which will help to reinforce the AMID brand whilst enhancing the landscape character of the Parkway.

Consultant Ecologist (Barnsley) confirms that the content of the Extended Phase 1 Habitat Survey, Preliminary Impact Assessment, Breeding Bird Survey and Bat Survey is adequate and concludes that an appropriate amount of the mitigation planting should be secured via a condition.

#### Sheffield City Council

Highways England offer no objection to the proposed development

### **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 issues to take into consideration in the determination of the application are –

- The principle of the development
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- General Amenity Issues

#### Principle of Development

The site has an extensive history in relation to its mining and subsequent restoration. In 1994 the restoration of the entire Waverley site was approved under ref: R93/1058P. Subsequent applications have been approved which include the continuation of the



restoration with variations to conditions, including extensions to the time for its completion.

Since this time, the Core Strategy has been adopted which sets out the spatial strategy for the whole Borough; identifying the broad locations for delivering new housing and employment, including provision for retail, leisure and community facilities, how much new development is needed, where it should go and when it should happen. It also sets out the strategic policies and the required new infrastructure to make all this happen.

In Policy CS1 'Delivering Rotherham's Spatial Strategy' the last sub section is titled 'New Community at Waverley' and the text states the following:

*"Waverley is identified as a Principal settlement. Planning permission has been granted for the creation of a new community of 3,900 homes with supporting services and facilities. It is expected that in the plan period 2,500 dwellings will be built on the site and approximately 42 hectares of employment land developed."*

Part 4 of Policy CS9 on 'Transforming Rotherham's Economy' says that Rotherham's economic performance and transformation will be supported by encouraging the development of an Advanced Manufacturing cluster at Waverley. Paragraph 5.4.7 provides supporting text to Policy CS9 and sets out that the Core Strategy in particular will encourage the development of Advanced Manufacturing units at Waverley, building on the success of existing developments in this location.

In addition to the above, the site is allocated for Industry and Business purposes in the adopted UDP and has been identified as a Development Site. UDP Policy EC2.1 'Sites for New Development' states that:

*"Land is allocated for future industrial and business uses in a variety of areas with particular emphasis on strategic locations close to the Borough's primary transportation network at Manvers-Cortonwood, Templeborough, Waverley, Aldwarke and Dinnington. A variety of sites, in terms of size and location, will be made available."*

The provision of land to promote economic growth is further emphasised in Paragraph 20 of the NPPF which states:

*"To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century."*

The site is also located within an Enterprise Zone, the vision for which is:

*"To build on Sheffield City Region's significant credentials and strengths in advanced manufacturing and materials to develop a Modern Manufacturing and Technology Growth Area."*

The proposal seeks permission for engineering operations to form a level development plateau for future development on the site as part of an expansion to the existing AMP. Future development on the application site would be subject to additional planning applications; however it is acknowledged that the proposed engineering works would be carried out to accommodate future industrial/business uses. In this regard, it is

considered that the temporary engineering works to create the development plateau would assist in providing a level area for future industrial/business development which will complement existing and committed development on the AMP and will assist in providing further employment on this prime development site.

Having regard to this, it is considered that the proposed engineering works fully accord with the principles of Policies CS1 and CS9, UDP Policies EC2.1 and EC3.1 'Land Identified for Industrial and Business Use and Paragraph 20 of the NPPF.

### Transportation Issues

The transport requirements for any future development on the site including additional capacity will be dealt with separately in any future planning applications on the site.

In terms of the proposed development plateaus, there will be a number of transport movements to and from the site in order to carry out the proposed re-levelling of the site and move the excavated material. Material deliveries will be limited to a maximum of 75 per day which equates to 5,667 incoming trips over a 16 week period. All vehicle movements, site deliveries and scheduling will be controlled on and off site by the contractor with a detailed program developed and agreed at the detailed design stage.

Construction traffic can be successfully accommodated on the existing road network without detriment to the existing highway conditions. All construction traffic will be limited to the 'Waverley Development Area' and will be restricted to Highfield Lane, Highfield Spring and Whittle Way. This route would ensure that construction vehicles use suitable roads whilst minimising the impact on residential area and avoiding key routes within the AMP and wider area.

In summary, it is not considered that the temporary engineering works would have a detrimental impact on the local road network or highway safety. The delivery movements will be less than 75 per day over a 16 week period. The Council's Transport and Highways department have assessed the proposed works and consider the number of vehicular movements to be acceptable. In this regard it is considered that the proposed works are in compliance with the provisions of UDP Policy T6 'Location of Development'.

### Drainage and Flood Issues

The site lies within Flood Zone 1 according to the Environment Agency's (EA) Flood Maps. The EA surface water flood map shows the presence of an overland flood route through the site. However, the topography used to generate the surface water flood map has now been superseded following the completion of the AMP Extension Phase 1 earthworks to the south.

The proposals are for engineering works to form level development plateaus and will assist in preparing the site for future employment uses as part of a proposed extension to the AMP. No new impermeable surfaces will be created as a result of the earthworks and the submitted Flood Risk Statement confirms that the levelling of the existing sloping surfaces will reduce the speed of any run off to the downstream systems.

The Council's Drainage Engineer has reviewed the content of the Flood Risk Statement together with information contained on a plan showing proposed temporary land

drainage and flood routes and has confirmed that no objections are raised from a drainage and flood risk perspective. The proposal is therefore considered to be acceptable in that it will not generate any significant flood risks that will adversely impact on the development proposals that are the subject of this application.

### Landscape and Ecology

Having regard to landscaping, Core Strategy Policy CS21 'Landscapes,' requires development to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes, with Policy CS28 'Sustainable Design,' further advising development proposals should be responsive to their context and be visually attractive as a result of ...appropriate landscaping.

The proposed engineering works will result in the loss of some existing planting along the Sheffield Parkway frontage and whilst it is acknowledged that the proposal is purely for the creation of development platforms, due to the site's prominence adjacent to the Parkway, the applicant has been asked to submit additional information relating to the future landscaping proposals along this boundary.

In response to this, a draft concept landscaping plan has been submitted which shows a public right of way meandering through a landscape strip with trees spaced out to provide structure whilst allowing significant key views into the site, ensuring that an urban frontage is created.

The proposals have been reviewed by the Council's landscape department who acknowledge that they will be a significant change to the current landscape but one which will enhance the landscape character of the Parkway. Any future development proposals on this site should however include detailed information relating to landscaping and boundary treatments to comply with the provisions of Core Strategy Policies CS21 'Landscapes' and CS28 'Sustainable Design'.

Turning to ecological issues, Paragraph 118 to the NPPF notes that: "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles:

- permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."

Core Strategy Policy CS20 Biodiversity and Geodiversity states that the Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance the resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.

In support of the application an Extended Phase 1 Habitat Survey has been prepared with the purpose of mapping those habitats present within the site, recording any evidence indicating the presence of protected species and to identify where habitats were potentially suitable for such species. The assessment confirms that "*Development of the Site would result in the loss of amenity plantation woodland. Based on the work completed to date, without the implementation of an appropriate mitigation strategy the proposals may result in the following impacts:*

- *The disturbance of habitats and displacement of breeding, foraging or loafing birds; and*
- *The potential disturbance of adjacent habitat outwith the proposed development area of low botanical value, through secondary effects e.g. during the construction period.*

*In order to minimise the risk of protected / notable species being adversely affected, or a net decrease in the biodiversity value of the site resulting from the implementation of the proposals, the following mitigation measures will be implemented throughout Phase 1 and Phase 2 of the development:*

- *Future developers within this application site should be encouraged to become 'stakeholders' of the SBAP;*
- *If any portion of the site remains undeveloped for a period of approximately 12 months a site walkover survey will be undertaken to determine if habitats and management of the site remains unchanged;*
- *An ecological clerk of works will be appointed to undertake checking surveys prior to commencement and during peak breeding / dispersal periods.*
- *Vegetation clearance shall be undertaken outside of the bird breeding season. Where vegetation clearance cannot be undertaken outside the bird breeding season, then bird checking surveys will be required along with the implementation of a Breeding Bird Mitigation.*
- *A 1 in 3 embankment is proposed with replacement planting / landscaping of approximately 10m width as shown on WYG plan Proposed Earthworks Drawing DEV-SK 101.*
- *Monitoring will comply with the SBAP.*
- *In order to minimise the potential ecological effects of the proposals appropriate measures will be undertaken to control dust, noise and site lighting.*
- *Appropriate working methods will be implemented throughout the works period to ensure adjacent habitats are not adversely affected by the proposals*

The consultant Ecologist from Barnsley MDC has reviewed the information submitted in the Survey and agrees that it is adequate for the purposes of determining this current planning application. The mitigation measures outlined above are also considered to be appropriate to minimise the potential risk of protected / notable species being adversely affected. Accordingly, the proposals are in accordance with the provisions of Core Strategy Policy CS20 'Biodiversity and Geodiversity' and Paragraph 118 to the NPPF in that measures can be put in place to enhance habitats and protected species.

### Public Rights of Way

Having regard to access within the application site, there are no public rights of way affecting the development, the existing paths were extinguished by an order by the Department of Transport in autumn 2015. Despite this, RMBC Officers have been working very closely with the landowner, Harworth Estates and the access advisory body, the Local Access Forum (LAF) to facilitate north-south strategic access to reflect physical lines of paths that local people have walked and cycled over several years.

These proposals have been amalgamated into an Access Strategy for the site which is currently successful in terms of provision and use. A partnership of local users and the developer has enhanced access whilst ensuring that such access has not interfered with the development process or timing.

A path is currently shown to meander through a future landscaping scheme adjacent to the Sheffield Parkway, which will eventually become a formal public bridleway as per the LAF's recommendations. It is noted that the width of the future path is recorded at 3 metres, which is acceptable, and that the finished surface is yet to be determined. Whilst it is appreciated that the detail and alignment of the path will be determined at development stage, it is recommended that a shale surface identical to that which exists elsewhere on the site should be provided, this will encourage the greater number of users, in particular cyclists, to access a sustainable route that requires minimal maintenance.

The long term maintenance of this route are again issues to be considered at detailed development stage, however it is acknowledged that the width and landscaping needs to be carried out in sympathy with the ongoing needs of riders and the need to provide screening vegetation where possible to the Parkway. A minimum of 1m should be set aside as part of this clearance corridor.

Having regard to the above, it is considered that the detail contained on the draft concept landscape plan, is sufficient to ensure adequate space is available for landscape, the provision of a public right of way and built development to co-exist. Accordingly the proposal to create development plateaus in this location will not have a detrimental impact on aspirations to provide a public right of way in this location.

### General Amenity Issues

Having regard to general amenity issues, the closest residential properties are located some 600m away on Willow Drive in Handsworth, which is on the opposite side of the Sheffield Parkway. These properties are also physically separated from the site by a railway line. No noise impact assessment has been submitted as part of this application, however given the extent of the background noise from traffic travelling along the A630 and rail traffic, the engineering works are not considered to result in an increase in noise and disturbance which will affect the enjoyment of residential amenity.

The Council's Environmental Health have assessed the submitted information and raise no objections to the proposed works given the sites location and subject to the imposition of conditions. It is therefore considered that the proposed works which are only for a temporary period of time will not have a detrimental impact on the living conditions of the occupiers of neighbouring residential properties, in accordance with UDP Policy ENV3.7 'Control of Pollution'.

### Other Matters

At the request of the applicant, Condition 1 requires the commencement of development before the expiration of 5 years, instead of the usual 3 years. This request has been made to tie in with the committed and future development proposals within the Waverley Development Area to negate the need to import material from off site. This longer time period would therefore increase flexibility and help to ensure the most effective development of the site which is consistent with guidance contained within the Planning Practice Guidance 'Use of Conditions'.

### **Conclusion**

The application site is allocated for Industrial and Business purposes in the adopted UDP. The proposal seeks permission for engineering operations to form a level development plateau for future development on the site as part of an expansion to the existing AMP which will complement existing and committed development on the AMP and will assist in providing further employment on this prime development site.

Construction traffic can be successfully accommodated on the existing road network without detriment to the existing highway conditions and will be limited to the 'Waverley Development Area'. In this regard it is considered that the proposed works are in compliance with the provisions of UDP Policy T6 'Location of Development'.

The site lies within Flood Zone 1 according to the Environment Agency's (EA) Flood Maps. No new impermeable surfaces will be created as a result of the earthworks and the submitted Flood Risk Statement confirms that the levelling of the existing sloping surfaces will reduce the speed of any run off to the downstream systems. The proposal is therefore considered to be acceptable in that it will not generate any significant flood risks that will adversely impact on the development proposals that are the subject of this application.

Having regard to landscape, the proposed engineering works will result in the loss of some existing planting along the Sheffield Parkway frontage, however it is considered that sufficient space exists to accommodate a proposed landscape scheme to complement the built development in accordance with Core Strategy Policies CS21 'Landscapes' and CS28 'Sustainable Design'.

Turning to impact on residential amenity, the closest residential properties are located some 600m away on Willow Drive in Handsworth, which is on the opposite side of the Sheffield Parkway. Given this distance and extent of background noise from traffic travelling along the Parkway the development is not considered to have a detrimental impact on the living conditions of the occupiers of neighbouring residential properties, in accordance with UDP Policy ENV3.7 'Control of Pollution'.

## **Conditions**

01

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

Reason

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

## **Pre-Commencement Conditions**

02

Details of the construction of the proposed haul road from Whittle Way shall be submitted to and approved by the Local Planning Authority before the commencement of operations.

Reason

In order to ensure the development does not give rise to problems on the public highway, in the interests of road safety

03

Details of the location and design of the proposed wheel washes (at the origin and destination of the material) shall be submitted to and approved by the Local Planning Authority before the commencement of operations.

Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy CS26 'Minerals'

04

Prior to the commencement of development a biodiversity mitigation strategy, in the form of a Site Biodiversity Action Plan (SBAP), including a schedule for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include all details listed in section 7 of the Extended Phase 1 Habitat and Breeding Bird Survey and Bat Survey (October 2015) and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

To reflect the advice of the NPPF and protect the ecological interest of the site.

05

Prior to the commencement of the works hereby permitted, a site specific earthworks specification shall be submitted and approved in writing by the Local Planning Authority detailing the areas where materials are to be excavated and re-deposited. The development shall thereafter be completed in full accordance with the approved details.

Reason

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

#### Other Conditions

06

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)

- AMP Extension Phase 2 Planning application Boundary Dwg No. DEV-SK-100 Revision P3
- Proposed Earthworks and Traffic Management Statement Dwg No. DEV-SK-101 Rev P2
- Earthworks Sections Dwg No. DEV-SK-102 Rev P1
- Proposed Temporary Land Drainage Arrangements and Flood Routes Dwg No. DEV-SK-103 Rev P1

Reason

To define the permission and for the avoidance of doubt.

07

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

Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy CS26 'Minerals'

08

No materials shall be excavated from areas where materials have been specifically deposited/engineered for the purposes of protection to human health from residual risk of low level contaminants.

Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy CS26 'Minerals'

09

All soils transported to site for restoration works shall be tested at a rate and frequency to be agreed by the Local Authority to ensure they are free from contamination. The details of the proposed sampling regime shall be detailed in the site specific earthworks specification document as required by Condition 5 and will need to be agreed prior to engineering works commencing.

Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy CS26 'Minerals'

10

In the event that during development works unexpected significant contamination is encountered at any stage of the process, 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 to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

Reason

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

11

Upon completion of any remedial works a Validation Report shall be submitted to and approved in writing by the Local Authority. The Validation report shall include details of the remediation works and quality assurance certificates to show that the works have



been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into any after-use until such time as all verification data has been approved by the Local Authority.

#### Reason

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

12

All loaded lorries leaving and entering the site shall be securely and effectively sheeted.

#### Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy CS26 'Minerals'

13

At all times during the carrying out of operations authorised or required under this permission, effective 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 Local Planning Authority in consultation 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.

#### Reason

In the interests of local amenity, to give effect to the requirement of Policy CS26 'Minerals'

14

The operator shall provide and install all necessary monitoring equipment to carry out dust incidence measurements in accordance with arrangements and at location(s) to be agreed with the Minerals Planning Authority. The Minerals Planning Authority shall have freedom of access to all dust monitoring records and results from the site on request.

#### Reason

In the interests of local amenity, to give effect to the requirement of Policy CS26 'Minerals'.

#### Informative

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 2, 3, 4 & 5 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 2, 3, 4 & 5, 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.'

#### 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.