

# ROTHERHAM METROPOLITAN BOROUGH COUNCIL

## PLANNING REGULATORY BOARD

### VISIT OF INSPECTION – THURSDAY, 18<sup>TH</sup> FEBRUARY, 2016

1. **RB2014/1342** – Outline application for the erection of up to 64 dwellinghouses with details of access at land at Blue Mans Way, Catcliffe for Langtree Group plc

Requested by:- Members of the Planning Board

Reason:- To allow Members to consider the highway implications of the proposed development.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2014/1342	Catcliffe	9.20 a.m.	9.40 a.m.

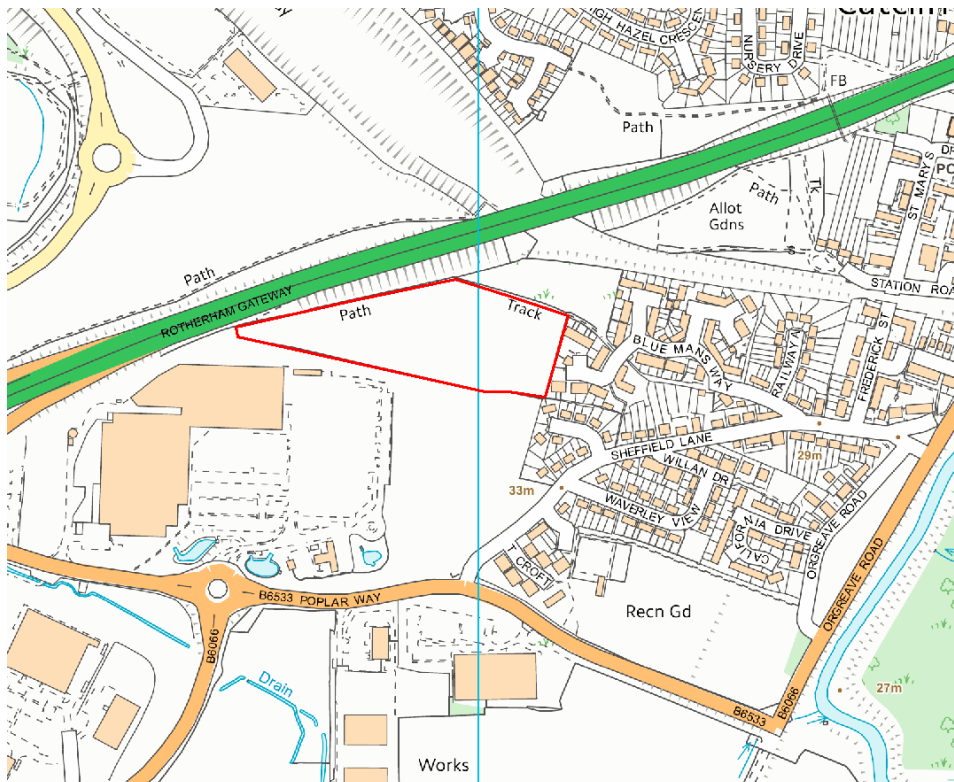
***Return to the Town Hall for approximately 10.00 a.m.***

## SITE VISIT NO. 1 (Approximate time on site - 9.20 a.m.)

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

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.

ADD NEW REPORT OR USE THE ONE FROM 28 JANUARY BOARD MEETING



### Site Description and 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.

SYLTE: 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.