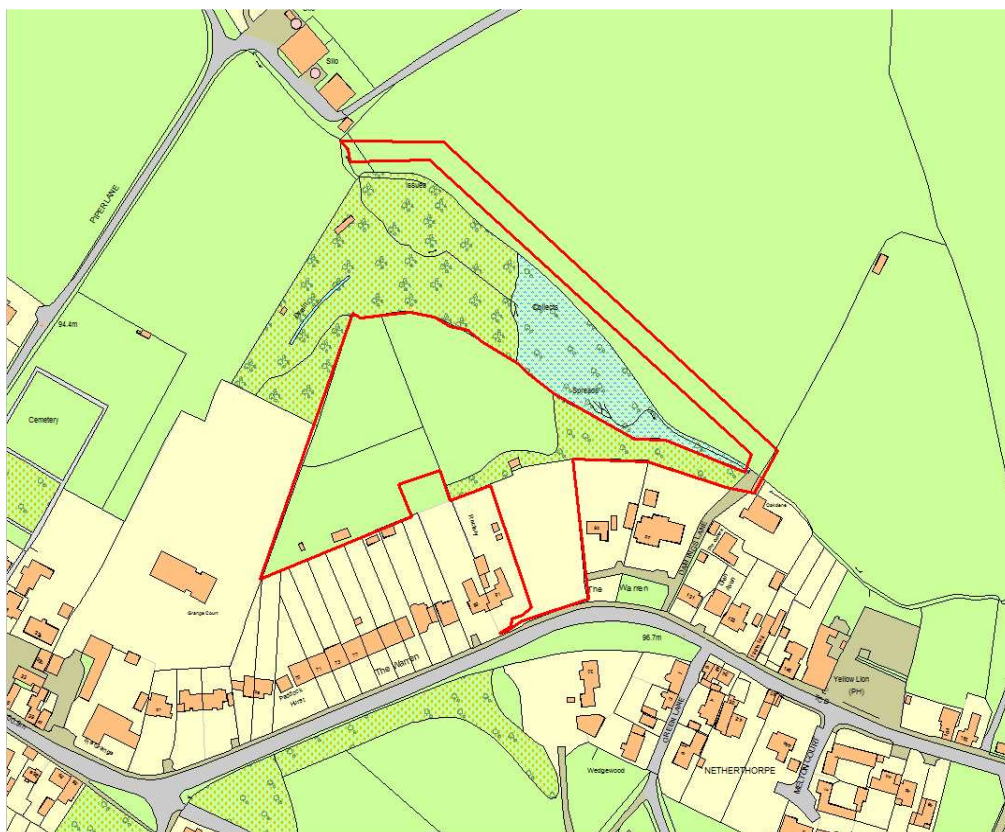


SITE VISIT – 23 JUNE 2016

Application Number	RB2013/1508
Proposal and Location	Erection of 16 No. dwellings & associated works at land to the rear of 69-91, Worksop Road, Aston, S26 2EB
Recommendation	<p>That planning permission be granted subject to:</p> <p>A That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none">• £224,000 off site affordable housing contribution,• The creation of a green space management company to ensure the long term future maintenance of on site green space, <p>B Consequently upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to conditions.</p>

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



Site Description & Location

The site is located to the east of Aston village on Worksop Road which serves as a main route from the centre of the village to the M1 motorway.

The northern, eastern and part western boundaries are defined by a landscaping buffer of mature hedges and woodland, which are within a Local Wildlife Site (Foers Wood), with Green Belt land beyond which is within an Area of High Landscape Value. To the south the boundary is defined by the rear gardens of existing residential properties whilst to the west is an open field to the rear of the recently constructed residential property (The Grange).

The site is located within the designated Aston Conservation Area.

Background

The site has the following planning history:

RH1965/4541 - Outline application for housing development – WITHDRAWN

RB2000/1275 - Residential development (22 dwellings) – REFUSED

01

The Council considers that the development of the site would conflict with Planning Policy Guidance Note No.3 (Housing) in relation to its ranking in terms of the requirements of sustainability, the sequential test and greenfield assessment. In the light of the above, the site should not be developed while more appropriately located sites, and in particular brownfield sites, remain undeveloped.

02

The Council considers that the proposed development would be likely to cause material harm to the ecological interest of the woodland area to the north of the site by virtue of the works required to provide surface water drainage from the site and by the effect of such waters upon the natural drainage of the area.

RB2000/1276 - Residential development - TREATED AS WITHDRAWN

RB2004/2064 - Application to fell 4 silver birch trees protected by RMBC Tree Preservation Order No 13 1975 - GRANTED

Environmental Impact Assessment

At the time of submission the proposed development fell within the category 10(b) of Schedule 2 of the Environmental Impact Assessment Regulations 2011 'Urban development projects' and the total development site area exceeds the threshold for the area of development (0.5 hectare).

Due to the ecological constraints on/adjacent to the site (primarily in the form of the Local Wildlife Site – Foers Wood) the proposal represents EIA development and an Environmental Statement has been submitted with the application.

Proposal

The application seeks full planning permission for 16 dwellinghouses and associated works. Following Officer's concerns, regarding the potential ecological impact of the proposal, the level of development has been reduced from 22 dwellings to 16.

The proposal now involves 16 large detached dwellings accessed off a small cul de sac road via a single point between 91 and 95 Worksop Road. The proposal involves the provision of a pumping station on site to pump foul water from the low point of the site to the existing adopted combined sewer within the development site at a higher level near Worksop Road. In addition a 15m buffer strip to the adjacent woodland and three on site ponds are proposed to minimise and mitigate any ecological harm.

The proposed dwellings are a mixture of 4 and 5 bedroom executive houses all with either detached or integral garages. The dwellings have been designed to replicate inter war suburban houses with Tudor style cladding and a mixture of render, artificial stone and red brickwork. The applicant has also agreed to provide chimneys to the dwellings, which reflects the site's setting within the Conservation Area.

A comprehensive landscape plan has been provided, which will provide additional tree planting and hedges to add visual relief and to provide ecological benefits. Furthermore the applicant has agreed to small front boundary stone walling and the rebuilding of the boundary wall to Worksop Road to run alongside the proposed access road into the site.

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

Planning Statement

- Housing development on this site would contribute towards providing a 5 year housing land supply within Rotherham Borough, where this is at best marginal at present.
- The additional housing development, and subsequent spending power, would assist in supporting existing retail and community facilities within Aston and the District Centre at Swallownest, all of which are within easy travelling distance of this site.
- The site is in a generally sustainable position where trips by other than the private car to local facilities can be carried out.
- The area to the rear of The Warren will be tidied up and appropriate arboricultural measures taken, where appropriate, to safeguard and maintain existing trees and hedgerows worthy of retention.
- The Council would benefit from the New Homes Bonus which match funds the additional Council Tax raised for each new property.

- The development would provide, as appropriate, planning obligations to support local infrastructure.

Design and Access Statement

The Design and Access statement sets out how the applicant has designed the proposed layout and development to respond to the existing character of the local area of the Village of Aston and demonstrate how it preserves the character of the site as far as possible through the following means:

- Retention of trees to the front boundary line to preserve the street scape along Worksop Road
- Retention of trees to the boundaries to preserve the visual amenity and character of views into and out of the site and safeguard the privacy of existing properties adjacent to the development.
- Density and scale of the development reflect the urban grain of the local area and adheres to local planning guidelines with regard to a low density proposal for the site.
- Scale, appearance and materials used for the house types are distinct to the development creating a sense of place whilst being sympathetic to properties within the local area.
- The proposals seek to integrate the proposed development with the existing style and character of the local area.

Overall the proposed scheme has been carefully considered to provide a high quality design which provides a good level and range of accommodation whilst integrating and referencing the style and character of the local area.

Transport Statement and Sustainability Appraisal

- The applicant’s Transport Statement has examined the impact of the traffic, in both the morning and evening peak hours, i.e. when the level of background traffic is highest and hence the likelihood of queues and congestion is the greatest.
- From the latest version of the TRICS database it has been demonstrated that the predicted level of pedestrian, cyclist and public transport user movements will be low in both peak hours, the worst case being the morning peak hour when 8 pedestrians, 1 cyclist and 1 public transport user trips are predicted.
- Using this information the predicted vehicle numbers are set out in the following table with arrivals and departures in both peak hours.

	Trip Rate Per Dwelling		Traffic Generations		
	Arrivals	Departures	Arrivals	Departures	Total
0800-0900	0.233	0.436	5.13	9.59	15
1700-1800	0.422	0.258	9.3	5.67	15

Vehicle movement trip rates

- The table shows that two way vehicle movements are light and, at its “worst”, in the evening peak hour relate to only one vehicle approximately every 4 minutes. As such there will be no issue of capacity or delay at the proposed estate road junction with Worksop Road.

- The applicant concludes that the level of traffic generated by the proposed development is relatively light and will have no adverse material impact on Worksop Road or the wider local highway network. The design of the proposed estate road and its junction with Worksop Road is in accordance with national and local design standards and again should have no material adverse impact on the operation of the existing local highway system. In relation to sustainability

Landscape and visual appraisal report

- The report states that the proposed development site is enclosed on all sides by a combination of vegetation and adjacent residential properties.
- The report adds that the proposed development of the site would extend the settlement edge of Aston to the belt of trees that form the southern boundary of the Area of High Landscape Value (AHLV). The Rotherham Landscape Character Assessment and Landscape Capacity Study identified that the land designated as an AHLV in the saved policies of the UDP has a Moderate sensitivity and that designation of AHLV was an inflation of the agricultural landscape's value.
- The character of the proposed development will be in keeping with the Nucleated Rural Settlement of Aston Historic Core and Aston Conservation Area as well as the broader character area of Treeton as identified on a district level. The modified access would result in a small change to the boundary wall along Worksop Road that forms a familiar characteristic of the Conservation Area designated by the saved policies of the UDP.
- Views for a number of receptors will be slightly modified due to the improved access off Worksop Road and the on-site vegetation removal. The enclosed nature of the proposed site with the belt of mature trees along the northern boundary and residential properties surrounding much of the southern boundary means that there will be little visibility of the proposed development from publicly accessible locations with a small number of partial filtered views from the gardens and upper windows of adjacent residential properties.
- The proposed development would not be out of character with the immediate or wider landscape and would not form a visually intrusive element in views.

Final Flood Risk Assessment

- The Flood Risk Assessment calculates the existing run-off from the development using several different methods in an attempt to give an average run-off for the whole development. The applicant is aware that the Environment Agency has objected to the use of the ADAS 345 method of calculating greenfield run-off rates as this is stated to give over estimated figures. The recommendation from the Environment Agency is to use 5l/s/ha, as specified by the Rotherham MBC requirements.

- The applicant accepts the principle of the greenfield run-off rate of 5l/s/ha and, based on a developable area of 1.54ha, this equates to a site discharge rate of 7.7l/s. The proposed surface water drainage system will be restricted to the discharge rate of 7.7l/s from the development.
- Furthermore, infiltration testing has been undertaken in accordance with BRE Digest 365 'Soakaway Design' and the ground conditions are unsuitable for soakaways or other similar infiltration Sustainable Drainage techniques. Therefore, these systems are not appropriate on this particular site.

The applicant submitted an addendum to the original Flood Risk Assessment in February 2015 which stated that:

- The development layout has been revised and it will be necessary to provide surface water attenuation on the site in underground pipes or equivalent for a 1 in 100 year storm plus 30% allowance for climate change at a restricted discharge rate of 7.6l/s. Detailed design and calculations shall be submitted to the Planning Authority for approval prior to construction on site.
- In order to provide a supply to the proposed ponds on the site for ecological purposes, the surface water run-off from Plots 1 and 2 will outfall into Pond 1.
- Surface water drainage to the rear elevations of Plots 2 - 8, the garages to Plots 4 and 8 and the drive to Plot 8 shall be connected to an "overflow" trench on the boundary to the ancient woodland to allow water to seep overland as exists at the present time and maintain the flow to woodland.

Bat Roost Assessment

- The bat roost re-assessment identified that the majority of trees re-assessed had no bat roost potential and no trees were found to support active bat roosts. However five trees were listed as Category 2 (limited potential to support bats).
- All other trees and tree groups originally assigned as Category 1 or 2 in the Preliminary Bat Roost Assessment Report (2013) have been re-assessed and downgraded to Category 3 (no potential and therefore no survey work or mitigation required).
- Any of the trees assigned Category 2 will need to be section felled under the observation of an ecologist if they are being removed as part of the development proposals.
- Bat activity surveys undertaken within the survey area (RPS, 2013) identified bat species which are known to use the site include common pipistrelle *Pipistrelle pipistrellus* and soprano pipistrelles *Pipistrelle pygmaeus* and some *Myotis* bats.
- The desk study also identified that Noctule *Nyctalus noctula*, Common and Soprano Pipistrelles and Brown Long-eared *Plecotus auritus* bat roosts have been recorded in the area of woodland directly adjacent to the northern boundary of the site (Foers Wood LWS).

Environmental Impact Assessment (EIA)

The EIA (as amended) which accompanied the application states that:

- The results of the assessments demonstrate that the standard of design of the proposed development is appropriate to achieve a suitable residential environment that is not likely to suffer poor environmental amenity due to noise. The assessments also demonstrate that the proposed development is not likely to give rise, either immediately or in the foreseeable future, to noise pollution or to other nuisances that would be beyond acceptable standards or Government Guidance. On this basis, the proposed development is commensurate with the RMBC's planning policies namely; UDP policies HG5, ENV3.1 and ENV3.7 and Supplementary Housing Guidance 6 - Noise.
- The project would have a minor adverse effect on hedgerows resulting from the construction phase of the project as the species rich hedgerow across the centre of the site would be completely lost. This will only be a temporary effect as five replacement hedgerows will be incorporated into the landscape design to replicate the wildlife corridor across the site.
- The project would have a minor adverse effect on the wet woodland adjacent to the north of the site during the construction and operational phases. The wet woodland will not be directly impacted on by the proposed development but there may be some noise and light disturbance from the residential development and properties. There are areas of semi natural broadleaved woodland on the site that would be completely lost to the development.
- The project would have a minor adverse effect on the existing orchard on site. The existing orchard is to be retained. During the construction phase the orchard will be protected by robust fencing positioned to suit root protection areas.
- The project would have a minor to negligible adverse effect on the trees within the site during the construction phase. An appropriate amount of supplementary planting is included within the landscape design to compensate for the removal of these trees. Bat boxes are included in the proposals to mitigate for the loss of a tree with the potential to contain a small bat roost.
- The project would have a minor adverse effect on the areas of scattered scrub within the site during the construction phase, as the habitat is of site value and shrub planting has been incorporated into the landscape design. This will mitigate for the loss of any scrub from the site, and create a habitat for nesting birds and invertebrates.
- The project would have a minor adverse effect on the areas of marshy and neutral grassland within the site during the construction phase. The majority of the habitat would be lost to the development and it is an important habitat for amphibians, badgers and invertebrates. Invertebrates are important at a local level and provide a food source for other species that use the site. Due to the loss of trees during construction, scrubs and areas of grassland, shrub and tree planting has been incorporated into the landscape proposals as mitigation. The trunks and other large wood from trees removed within the site will be placed in the receptor site to provide habitat for invertebrates

associated with dead wood and would mitigate the loss of this habitat within the site.

- The project would have a minor adverse effect on Toads and other amphibians during the construction phase, since a large area of amphibian habitat is being lost to the development. However, to mitigate this loss habitat is being created in the north east section of the site to provide suitable habitat for amphibians. A translocation programme is also being implemented prior to construction to clear the site to ensure that none are harmed during the development.
- The project will have a minor adverse effect on Badgers during the construction phase. Evidence suggests that there is a low level of Badger activity within the area of neutral grassland on the site. However although this habitat is being lost to the development there are still large areas of more suitable habitat in the surrounding area for Badgers to forage in, such as the wet woodland and arable farmland.
- The project will have a minor adverse effect on bat activity across the site during the construction phase. The species rich hedgerow through the centre of the site, which is known to be used as a commuting route by bats, is only being partially lost to the development, and that section to be retained (between proposed plots 15 and 16) will be included in the management agreement across the overall site. Four individual category 2 trees and 1 group of category 2 trees and one category 1 tree are being lost to the development. Category 1 trees have definite bat roost potential and category 2 trees have some features which may be suitable for a bat roost.

Arboricultural Impact Assessment Report

- The development will require the removal of a proportion of trees within the site. The retained trees will provide a local amenity and provide a sense of place for the development.
- 72% of the trees and all the groups required to be removed to achieve the proposed development are category C or U specimens of a low retention value. These trees should not be considered as a constraint to development as they will not make a significant contribution to the landscape character of the site in the coming years; their loss can be mitigated for by undertaking replacement tree planting.
- Following the recommended tree removal the proposed development has low potential to impact upon any retained tree and all such trees can be protected by the establishment of a Construction Exclusion Zone by the erection of Tree Protection Fencing. Where development impacts within the RPA of the trees the use of arboricultural supervision and management should be considered to ensure successful tree retentions, and where hard surfacing is located within the RPA 'No Dig' construction techniques adopted as described within this document.
- To minimise the potential for damage to trees the protective measures specified within this report should be followed and guidelines contained within BS5837:2012 and NJUG Volume 4 should be followed.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for residential purposes in the UDP and this allocation is carried forward in the Rotherham Local Plan 'Publication Sites and Policies' (September 2015) document. The site is within the Aston Conservation Area, and adjacent to a Local Wildlife Site (Foers Wood). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS7 'Housing Mix and Affordability'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscape'
CS22 'Green Space'
CS23 'Valuing the Historic Environment'
CS25 'Dealing with Flood Risk'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG5 'The Residential Environment'
ENV2 'Conserving the Environment'
ENV2.2 'Interest outside Statutorily Protected Sites'
ENV2.11 'Development in Conservation Areas'
ENV3.4 'Trees, Woodlands and Hedgerows'
ENV3.7 'Development and Pollution'

Other Material Considerations

Environmental Impact Assessment Regulations (2011).

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 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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

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

Publicity

The application (in respect of the proposals for 22 dwellings) was originally advertised by way of press and site notices along with individual neighbour notification letters to adjacent properties. 14 letters of objection were received in respect of that initial publicity, raising the following comments:

- The 5m separation distance to Foers Wood is insufficient and should be at least 15m.
- The survey information takes no account at all of the wildlife and species to be found in the gardens adjoining the opposite side of meadow site to Foers Wood.
- The whole area is a wildlife site. The proposal does not address the requirement of the National Environment Act 2006.
- The issue regarding water supply has not been addressed. Some 20 years ago the pressure was 7 BARS and it is down to 2 BARS.
- Sewage and water run-off has not been satisfactorily addressed.
- The proposed area is inhabited by bats and we have found newts in the garden many times. Rabbits, foxes pheasants, frogs and birds make this area home.
- The entrance onto Worksop Road is on a dangerous bend.
- Worksop Road, is a busy road, with many speeding motorists and multi accesses, which is not suitable for further residential development.
- The proposed surface water drainage is unacceptable in our opinion and any pollution could filter through to the woodland.
- All the trees have preservation orders on them, surely to dig a trench so close to this site would cause damage to the roots of these mature trees.
- The site could contain great crested newts.
- There is lack of details relating to light pollution as well as bat species present. Many bat species present are not used to light pollution.
- Increase in vehicle exhaust pollution.
- Unattractive modern development that detracts from local beauty.
- Detrimental to the Conservation Area.

The revised scheme for 16 houses was also advertised in the press and on site, and by way of neighbour notification, and generated a further 13 letters raising the following additional comments:

- The amended plans do not satisfy the requirements of the Ecology Officer to protect the Local Wildlife Site and the adjacent habitats of the protected species found there.
- The amended plans do not satisfy the need to stop contaminants from the properties driveways and vehicles from entering the watercourses.
- Additional noise and traffic noise coming from these very large houses and also the additional lighting which will definitely affect me adversely.
- The traffic is bad on Worksop road already and this will make it even more dangerous. Worksop Road is not suitable for children or adults with pushchairs.
- Security lighting will be harmful to birds and bats in the adjacent woodland.
- Plot 11 is too close to adjoining trees. Future occupiers will require the trees to be pruned.

The owners of the adjacent Foers Wood have made the following specific comments on the application, and how it has been processed:

- An 'overflow' trench on the woodland boundary would allow water to seep into the wood and states that it is against the law to do this either during construction or after completion.
- The Council has failed to consult properly all statutory consultees in respect of the Environmental Impact Assessment addendum dated February 2015.
- The Council has failed to adequately consult Sheffield and Rotherham Wildlife trust.
- The applicant has failed to undertake adequate consultation prior to the submission.
- The Council failed to notify the neighbour of the original submission.
- The Council has not had due regard to the impact of the development on Foers Wood, an identified Local Wildlife Site.
- The development will lead to damage to trees within the Local Wildlife Site during construction at the western end of the site where no buffer zone is proposed.
- The lack of a buffer zone at the western end of the site would result in detrimental impacts on protected species within the Local Wildlife Site, and conditions attached to control light pollution could not be enforced.
- Does not consider that the Applicant has met EIA requirements.
- The site has an inadequate mix of housing, including 25% affordable housing, contrary to Policy CS7 of the Adopted Rotherham Core Strategy.
- The bat survey has been insufficient and inadequate consideration of the impact of light upon the bats has been considered.
- No breeding bird survey has been undertaken.
- No badger survey and badger specific mitigation.
- Question the methodology for carrying out the Great Crested Newts statutory licencing requirements.
- Notes that the application site is allocated in the Sites and Policies Final Draft as: "The site is allocated in the UDP as residential, in 2013 the site was

incorrectly identified as safeguarded land; it is proposed to allocate as Urban Greenspace if no progress can be made on the achievement of planning permission. The draft Policies Map identifies this site as Urban Greenspace.” The owners of the adjacent land state that if they had been aware that the site would continue to be designated as residential then they would have made representations to the Council.

- Notes that a number of the documents requested in connection with the Planning Application have not been available on the Council's online planning file and as such members of the public have not had an opportunity to comment on these reports. This is contrary to Article 15(7) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the legitimate expectation of the public that all relevant documentation is published on the Council's on-line planning file.

The Sheffield and Rotherham Wildlife Trust have objected to the revised scheme on the following grounds:

- Foers Wood is a local wildlife site directly affected by this application. It is a section 41 Habitat of Principal Importance - a wet woodland - and is known to support a number of section 41 species.
- As stated in RMBC Framework for Rotherham's Local Wildlife System 'designation enables the most important nature conservation sites in the Borough as well as the statutory site designation systems to be identified and protected'.
- The application talks about a 15m boundary between the development and the site boundary but looking at the plans, we do not agree that an effective boundary is in place. The plans show some garages next to plot 8 that are very close to the boundary and a structure (sub-station) to the west of these garages that is also on the boundary. Although the properties are sited away from the boundary, the gardens are close to the boundary and there is nothing to stop light pollution from the houses and gardens from affecting Foer's wood. The 2014 Ecology report talks about a 5m buffer and 10m of garden. The management company would have no control over what people may put in their gardens – e.g lighting.
- There is evidence of several light bat species using the woodland, including light-sensitive species – brown long-eared bats, Natterer's bats and possibly Daubenton's bats (5.142 in the 2014 Ecology Report). We disagree that the effect of bats would be minor (5.197) and think that the report downplays the presence of Myotis species.
- There were also signs of badger foraging but this required further investigation to assess the potential loss of foraging grounds. We disagree with 5.194 in the 2014 ecology report that the gardens would provide the same foraging grounds as the habitat that would be lost. Fences will be in the way and it is unlikely that any new residents would all be happy about badgers in their garden and may take steps to limit their access. A full assessment is lacking.

- During construction it is difficult to see how there will be no impact on the actual Local Wildlife Site itself. There is likely to be significant disturbance and tree damage and there is some proposed felling at the woodland's edge. Can the RMBC Ecology Officer be involved to monitor the site during construction, ensuring compliance and limiting impact on the Local Wildlife Site?

Twelve residents, two local Ward Members, and the applicant and agent have requested the right to speak at Planning Board. One of the local Ward Members (Councillor Pitchley) has since indicated that she is unable to attend the Meeting though wishes to confirm that she supports the local residents and objects to the proposals.

Consultations

Streetpride (Transportation and Highways Unit): Notes the submission of a revised site layout (Drg No PL02 rev N) received from the applicant's agent on the 21 January 2016 in response to previous comments raised. Officers confirm that the revised layout has addressed previous concerns and is now acceptable. Therefore, there are no objections to the granting of planning permission in a highway context subject to appropriate conditions.

Streetpride (Landscape): No objections to the general landscape proposal and layout. Recommends minor additional alterations to the scheme, which can be dealt with via condition.

Streetpride (Drainage): Notes that the proposed foul and surface water drainage is satisfactory in principle. The proposed surface water sewer from the development runs in an eastward direction then returning westwards before discharging to the north of the development. The sewer appears to be located close to the ponds i.e. to the east of the development, plus the location of the entire length of sewer could act as a land drain and potentially drain the water along the new drainage trench. Details as to how this potential land drain can be prevented e.g. provision of clay stanks or similar, is requested by way of a planning condition, as are details of the proposed silt trap and how water quality will be maintained. A condition requiring that the recommendations in the latest Flood Risk Assessment must be adhered to will be required.

Streetpride (Tree Service Manager): The proposed development is supported by an Arboricultural Report and Impact Assessment. The report includes details of 10 individual and 15 groups of trees. The contents of the report and its recommendations are noted and generally accepted by the Council's Tree Service Manager.

There are no objections, subject to appropriate condition minimising any harm to the root protection areas from new trench or pond excavations, and condition requiring protective fencing to protect trees during the construction phase.

Streetpride (Ecology): Following the submission of amended plans and the updated Environmental Impact Assessment the Ecologist has confirmed that the ecological survey methods used were ultimately appropriate and that the results of the survey reports are accepted.

It is recommended that several conditions are attached to ensure that the biological interest is retained, and where appropriate, managed. These include:

- A condition to ensure that the orchard/living fruit trees are maintained.
- The pond will be a biodiversity resource targeted at amphibians.
- The water pollution control measures proposed within the application are acceptable and should be conditioned.
- Increased use of native tree planting has been proposed in the Soft Landscape Plan and this should be conditioned.
- Root protection zone(RPS letter dated 28/5/2015) should be conditioned.

Yorkshire Water: No objections subject to appropriate conditions to protect an on site sewer and other appropriate conditions.

Environment Agency: The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Flood Risk Assessment and supporting information submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Education: No education contribution is required.

Urban Design Comments: No concerns with the amended plans.

Affordable Housing Manager: A 25% provision on site would equate to 4 dwellings. However, following extensive negotiations it was agreed that the Council would accept a commuted sum of £224,000 in lieu of on-site delivery of affordable homes. This amount equates to 40% of the open market value of 4 x 2 bed houses, which was the Affordable Housing requirement if the units were to be delivered on site.

Natural England: "The proposed amendments to the original application relate largely to plans, and are unlikely to have significantly different impacts on the natural environment than the original proposal. Natural England has not assessed this application and associated documents for impacts on protected species but has published Standing Advice on protected species. This Standing Advice should be applied to the application, as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

Neighbourhoods (Environmental Health): There is a potential for disamenity from noise and dust from the construction of the properties. As such an informative is recommended.

Neighbourhoods (Land contamination): No objections subject to appropriate conditions.

South Yorkshire Police: No objections, but suggests a number of recommendations in terms of future maintenance and doors/window security.

South Yorkshire Archaeology Service: The application area is outside the historic core of the village and, additionally, is set well back from the village street frontage. Because of this, SYAS considers there to be minimal archaeological potential and does not consider that any further archaeological work is required.

Appraisal

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

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

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

The main issues for consideration in the determination of this application are:

- The principle of the development
- Ecology/Biodiversity matters
- Landscaping/Tree matters
- Design and layout
- Impact upon the Aston Conservation Area
- Residential amenity
- Flood risk and drainage
- Highways issues
- Planning Obligations
- Other matters raised

The principle of the development

Paragraph 14 of 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 (unless material considerations indicate otherwise):

- 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 development plan currently consists of the Unitary Development Plan (adopted in 1999) and the Core Strategy (adopted in September 2014).”

Paragraph 214/215 of the NPPF states that: “For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. In other cases and following this 12-month period, 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).”

Paragraph 47 of the NPPF requires that local authorities (amongst other things) identify and update annually a supply of specific deliverable sites sufficient to provide five years supply of housing.

Paragraph 49 of the NPPF adds that: “...housing applications should be considered in the context of the presumption in favour of sustainable development.”

UDP Policy HG4.2 ‘Proposed Housing Sites’ identifies the application site as a potential development site (H57).

Core Strategy Policy CS1 ‘Delivering Rotherham’s Spatial Strategy’ states that most new development will take place in Rotherham urban area and the Principal Settlements for Growth and will help create a balanced sustainable community. It notes that the settlements of Aston/Aughton/Swallownest are Principal Settlements and that within such settlements 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.

Policy SP12 ‘Development in Residential Areas’ of the ‘Publication Sites and Policies’ document (published in September 2015) states that “residential areas identified on the policies map shall be retained for primarily residential use. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies”.

This Policy has not as yet been adopted and is given limited weight at this stage.

The site is allocated for 'Residential' use within the Unitary Development Plan and is identified as a 'Development site' (H57). It is considered that given the site's location in close proximity to existing housing, facilities, services and local transport, the development is within a sustainable location that would accord with the presumption in favour of sustainable development.

It is considered that the Policies in the Development Plan referred to above are consistent with the NPPF and that as such, the principle of development on the site is considered acceptable and in accordance with Core Strategy Policy CS1 and UDP Policy HG4.2.

Ecology/Biodiversity Matters

In assessing the ecological/biodiversity issues, Policy ENV2 'Conserving the Environment' of the Council's UDP states:

"In considering any development, the Council will ensure that the effects on the wildlife, historic and geological resources of the Borough are fully taken into account. In consultation with the relevant national agencies and local interest groups, the Council will ensure the protection of these resources while supporting appropriate development which safeguards, enhances, protects or otherwise improves the conservation of heritage interests.

The Council will only permit development where it can be shown that:

- (i) development will not adversely affect any key environmental resources,
- (ii) development will not harm the character or quality of the wider environment, and
- (iii) where development will cause environmental losses, these are reduced to a minimum and outweighed by other enhancements in compensation for the loss."

Policy ENV2.2 'Interest outside Statutorily Protected Sites' states:

"Proposals which would adversely affect, directly or indirectly, any key species, key habitat, or significant geological or archaeological feature, will only be permitted where it has been demonstrated that the overall benefits of the proposed development clearly outweigh the need to safeguard the interest of the site or feature."

As there is a slight adverse effect on ecology, there is a technical breach of policy ENV2.2. However, it is considered that policy ENV2.2 should be given little weight as it is inconsistent with the cost/benefit approach contained within the NPPF. Further, the nearby woodland is not a statutorily designated site.

Core Strategy Policy CS20 'Biodiversity and Geodiversity,' states 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 117 of the NPPF that, to minimise impacts on biodiversity and geodiversity, planning policies should identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity (which include Local Wildlife Sites). Paragraph 118 adds that: “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”

The application includes an Environmental Impact Assessment due primarily to the ecological constraints adjacent to the site (primarily in the form of the Local Wildlife Site – Foers Wood). The Assessment outlines a number of minor adverse effects from the proposed development, upon hedgerows, the wet woodland and ecology. The original scheme for 22 dwellings on site received a number of objections relating to ecology, including objections from the Council’s Ecologist and Sheffield and Rotherham Wildlife Trust.

The applicant took on board these concerns and made the following amendments to the scheme including an Addendum to the Environmental Statement:

- A reduction in the number of dwellings from 22 to 16;
- Incorporation of a 15 metre buffer zone to protect the Foers Wood Local Wildlife Site (effectively reducing the developable and landscaped area of the site from 1.68 hectares to 1.19 hectares);
- A reduction in the area within the site that would be developed for housing from 0.29 hectares to 0.24 hectares;
- Ecological protection through the retention of the orchard and species rich hedgerow;
- Changes to the drainage strategy to ensure maintenance of surface water flows to Foers Wood Local Wildlife Site and provide a water supply for the ponds.

Natural England has been notified about the proposed development and stated that the Council should apply their Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Council's Ecologist has assessed the Standing Advice and notes that it refers to the best practice at the time and is satisfied that this has been adhered to, including the carrying out of appropriate survey work which has been disputed by some objectors. The Ecologist notes that there is a stronger case for doing more survey work within the adjacent Local Wildlife Site (Foers Wood) but that access to Foers Wood Local Wildlife Site was denied during the survey of the application site, according to the Environmental Statement Volume 1.

The impacts upon ecology are addressed below:

Impact on hedgerows

The project would have a minor adverse effect on hedgerows, resulting from the construction phase of the project, and the partial loss of the species rich hedgerow in the centre of the site. To mitigate the impact, additional hedgerows are to be planted within the site to increase the wildlife linkages throughout the site.

Impact on bats

The project would have a minor adverse effect on bat activity across the site during the construction phase. The species rich hedgerow through the centre of the site, which is known to be used as a commuting route by bats, is being retained on site but may be affected by disturbance due to the change in use on the site. Three individual category 2 trees are being lost to the development. Measures to be put in place to mitigate against these losses include the creation of new hedgerows in the landscape proposals and the placement of bat boxes on trees.

Objectors have stated that insufficient bat surveys have been carried out though the Council's Ecologist is satisfied that sufficient active bat surveys and roosting surveys have been undertaken (walking bat surveys were undertaken, in May, June and July 2013 whilst roost surveys were undertaken in 2013 and 2014). The roost survey did not locate any roosts but did identify a small number of suitable trees. The 2014 roost survey for example identified only five Category 2 trees (Category 2 trees are of limited roost potential). The earlier 2013 roost survey only identified one Category 1 tree (T59) which was to be felled and this was later relegated to Category 2. It may be possible to retain this tree since it is on the periphery of the site. Any other Category 2 trees that are to be felled would need to be checked by an ecologist appointed by the developer at that time in accordance with best practice. The applicant has confirmed in this respect that a check of the trees to be removed will be undertaken prior to clearance to re-assess their suitability as a bat roost.

The Council's Ecologist notes that many bats cannot be identified to species using bat detectors and that species determinations may have to be obtained by other means, notably from roosting bats, but that this would not necessitate disturbance of such roosting bats.

An objector notes that new Good Practice Guidelines for bat surveys has recently been produced though the Council's Ecologist does not consider it reasonable to impose new guidance retrospectively on applications originally submitted in 2013.

His comments also apply to the new British Standard on Bats and Trees which was also published in Spring 2016.

Objectors have raised concerns regarding the impact on light sensitive bats from security lighting to the rear of new properties. Light sensitive bat species such as Natterer's bat and Brown long eared prefer dense woodland habitat and are more likely to be deep within the woodland habitat rather than utilising the open habitats on the development site and the woodland edge. In addition the applicant has agreed to a condition requiring details of any security lighting to the rear of the properties facing the woodland to be submitted to and approved by the Council, to ensure minimal light spillage.

The owners of the adjoining Local Wildlife Site state that the proposed condition to protect bats from light pollution is unenforceable. It is currently proposed to impose a condition on a permission that states:

"Prior to the completion of the dwellings details of any security lighting to the rear of plots 2-10 shall be submitted to and approved by the Local Planning Authority. No additional security lighting shall be installed.

Reason

In the interest of ecology and to prevent disturbance to nearby nesting birds and bats."

It is considered that this condition is enforceable. Council officers will be able to view the lighting on inspection. It will further be visible to neighbours and anyone present in the woodland.

Impact on Great Crested Newts

The project would have a negligible effect on Great Crested Newts during the construction phase. Great Crested Newts have been recorded within the Local Wildlife Site and may be utilising the suitable terrestrial habitat along the northern boundary of the development site. To reduce the loss of suitable habitat and to prevent harm to great crested newts a 15 metre buffer zone has been incorporated into the landscape proposals. In addition, newt barriers would be installed during the construction phase that would prevent amphibians accessing the site from the woodland so restricting their movements to the 15m buffer zone. As noted above, the 15m zone will be preserved as existing including undergrowth, low level foliage and naturally felled trees and branches etc. which would provide suitable habitat for any newts entering this area.

Impact on Badgers:

The evidence of badgers foraging on site is limited and only found to be in a small area in the northern part of the site. The 15m buffer zone and amphibian receptor site would retain some of grassland where badgers had been known to forage on site. Survey evidence suggests that the development site is not the primary foraging site for badgers in the area nor that the site is used regularly by badgers.

An objector recommends that a badger survey is undertaken within 6 months of any construction works to enable a judgement to be made as to whether the development could potentially affect an active badger sett. The applicant has confirmed that a pre-construction badger survey will be undertaken as part of the biodiversity mitigation strategy, as covered by recommended condition 24.

Impact on water voles:

The project would have a minor adverse effect on water voles due to disturbance from the construction and operational phases. The slight reduction in surface water run-off is a relatively small change compared to the existing water supply to the wood and therefore is not considered to have an impact on water vole habitat.

Impact on the adjoining wet woodland

The site has been designed to provide maintenance of surface water flows to the Foers Wood Local Wildlife Site. The applicant's assessment has concluded that the change in the water regime of the development site would not have any significant adverse effect on the existing hydrology of the wet woodland. This is due to the relatively small change in surface run-off compared to the existing water supply to the wood, and the measures that would be taken to intercept surface water at the south of the site and carry this to the north where it would be allowed to percolate into the woodland.

The owner of the Local Wildlife Site woodland area states that it is against the law to allow water to discharge directly onto the adjacent land, but that is not what is proposed. The applicant, at the request of officers, has designed the drainage to ensure that the situation after the development is completed will mimic as closely as possible the situation as currently occurs, where water will currently flow from the application site into the woodland area due to the slope of the ground. The alternative would be to pipe all the surface water around the wood, though this would potentially lead to a decrease in the water reaching the 'wet' woodland, to the detriment of the trees therein. The Council's Ecologist notes that most of the trees in the central part of the woodland area are Alders, which is a characteristic tree of wet woodland, and is adapted to coping with waterlogged conditions. Excess water on the Local Wildlife Site is not likely to be damaging, whereas a long-term decrease in water levels may well have a harmful impact.

An objector has noted that no breeding bird survey work has been carried out but the Council's Ecologist states that such surveys are not necessary on amenity grassland which covers about half the development site. Surveys for breeding birds are not recommended or unlikely to be successful for the poor semi-improved grassland, dense laurel scrub or tall ruderal vegetation. The neutral grassland, hedgerows and derelict orchard are likely to be more valuable as habitats but breeding bird surveys of the small area these cover, cannot in the opinion of the Council's Ecologist, be justified. The applicant has indicated that normal garden bird species are likely to be present and the supplementary planting within the scheme and addition of bird boxes will provide habitats for these species, and that any clearance of suitable nesting habitat on site will be carried out outside the bird nesting season.

A breeding bird survey of Foers Wood could be justified under the Standing Advice because it is woodland within 500m of a proposed development, but as noted above, access to the private LWS was denied to the applicant's ecologists.

Objectors have noted that the 15m buffer zone does not extend around the western side of the site, which is also partially adjacent to the Local Wildlife Site. However, most of the section of the western boundary adjoining the woodland would be bordered by garages and a substation, which would not be lit, therefore not causing light penetration into the woodland. To the extent that a short section of the boundary would adjoin the rear gardens of two proposed properties, lighting conditions are to be imposed which would restrict security lighting to be placed on the houses near this boundary. It should also be noted that this small section of woodland already adjoins the garden of the residential property to the west of the site where is no protective buffer and no restrictions on lighting, and so the additional effects of the proposed development would not be significant.

The applicant has confirmed that further conditions on the landscaping and long term management of the site is included within the landscape management plan and will be expanded in the biodiversity mitigation strategy, this would include how the site would complement Foers Wood Local Wildlife Site. Measures to do this include:-

- Retaining the existing species rich hedgerow on site
- Creating five new species rich hedgerows, which will maintain and enhance the wildlife corridors through the site with the surrounding woodland.
- New planting of trees, shrubs and wildflower grassland on site which will improve species diversity.
- Creation of new ponds and amphibian hibernation habitat adjacent to the woodland
- Creation of 15m buffer zone

In view of the above the Council's Ecologist considers that the proposal would have minor adverse impact on ecology in the area, which could to some extent be mitigated by relevant conditions. He is satisfied that the proposals comply with relevant Policy in the UDP and the Core Strategy, as well as the NPPF.

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."

The proposed development is supported by an Arboricultural Report and Impact Assessment. The report includes details of 10 individual and 15 groups of trees. The contents of the report and its recommendations are noted and generally accepted by the Council's Tree Service Manager. Of the existing trees, those positioned towards the northern and eastern site boundaries provide useful amenity and screening that is likely to increase with the development. However, due to their limited importance

in the landscape they may not meet all the criteria for inclusion in a new Tree Preservation Order to ensure they are retained and to provide additional protection throughout any development.

According to the submitted details, the majority of the existing trees and shrubs will be removed to accommodate the development. Indeed only 7 items of vegetation will be retained or partially retained including a large area along the northern boundary. The removal of the remaining trees and shrubs will result in a partial reduction of amenity and any associated benefits. However new tree, shrub and hedge planting as indicated on the indicative landscape proposals will help to provide a good level of amenity and biodiversity gain in the future.

Turning to the proposed landscaping scheme, it is proposed to retain and enhance a large area of planting along the northern boundary of the site. Trees have been incorporated into the scheme, including those in front garden areas, and pockets of landscaping form features in appropriate locations. There is a large pocket of landscaping to the left of the western site entrance. This area is envisaged to be natural and open, whilst hedges or railings will form the front boundaries at this point.

Taking account all of the above the scheme has been submitted having regard to the retention of some of the landscaping (trees / hedgerows) particularly to the north of the site and with further planting enhancements within the site itself. The Landscape Design Service notes that the submitted landscape scheme, as revised, is acceptable and should provide an attractive setting for the development. Subject to the imposition of the recommended condition in respect of the requirement for further information relating to species, it is considered that the proposals accords with Policy CS21 'Landscapes.'

A number of conditions have been proposed to be attached to any approval in order to protect the trees during the construction phase and to prevent any harm to the root protection areas during the construction of the trenches and ponds.

Design and Layout

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

UDP Policy HG5 'The Residential Environment,' states that: "The Council will encourage the use of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment and provide a more accessible residential environment for everyone."

The NPPF at paragraph 17 states that as one of its core planning principles that: “planning should always seek to secure a high quality design.” Paragraph 56 further states: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.” In addition, paragraph 64 adds that: “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

The National Planning Policy Guidance (March 2014), notes that “Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations, and further goes on to note that: “Local planning authorities are required to take design into consideration and should refuse permission for development of poor design.”

The amended layout has been specifically designed to replicate the low density suburban nature of this area of Aston and to respect the ecological constraints on site. Indeed, paragraph 7.11.11 of the UDP states that due to the sensitive location of the proposed housing site at The Warren, it is considered to be most suitable for low density development. At 9.5 dwelling per hectare the density is far below the density of most development but is appropriate for its setting within this sensitive Conservation Area.

The applicant has provided a 15m buffer (not including the domestic gardens) between the site and the woodland, as well as appropriate on site ponds and a small wooded area to the front of the site. The dwellings are spaciouly positioned with good landscaping and overlook the public highway in accordance with the best practices of designing out crime. The access from Worksop Road is proposed to be sensitively integrated into the streetscene, and not harm the overall streetscene along Worksop Road. As referred to in further detail below the dwellings are of a high standard which reflect the character of the area and exceed all the Council’s minimum design guide limits in terms of internal/external space and separation distances.

Policy CS 7 Housing Mix and Affordability states that: “proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community.”

The application does not comply with this policy. However, in this instance the applicant has agreed to off site provision of affordable housing to provide an appropriate mix of tenure within the local community. Furthermore the site is located within a Conservation Area and the large detached dwellings have been designed to reflect the detached inter war properties fronting onto Worksop Road. As such the provision of only large detached dwelling on site is considered acceptable in this instance considering the sensitive location and the provision off site of affordable

housing. In these circumstances it is considered that the technical breach of policy CS 7 should be given limited weight in the decision.

Overall, it is considered that the scheme has been sympathetically designed taking account of the characteristics and constraints of the site and the character of the surrounding area. Therefore the scheme is considered to be of an appropriate size, scale, form, design and siting that would ensure it would enhance the quality, character, distinctiveness and amenity value of the borough's landscapes and will be visually attractive in the surrounding area.

In light of the above it is considered that the design of the proposal is one that is acceptable and would satisfy the relevant design policies and guidance of the NPPF, UDP Policy HG5 and CS policy CS28.

Impact upon the Aston Conservation Area

Policy ENV2.11 'Development in Conservation Areas' states "In respect of designed Conservation Areas, the Council will: (iv) have regard to the degree to which proposals are compatible with their vernacular style, materials, scale, fenestration or other matters relevant to the preservation or enhancement of their character". In addition CS23 'Valuing the Historic Environment' and CS28 'Sustainable Design' indicates that Local Planning Authorities should ensure that new development should make a positive contribution to the character and local distinctiveness of the historic environment.

The NPPF states at paragraph 131, that: "In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 134 adds: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

The development site falls within the Aston Conservation Area. This area of Aston Conservation Area is made up of detached inter war dwellings, with hipped roofs, large bay windows and mock Tudor gable ends. The dwellings are constructed from a mixture of stone and red brickwork and defined by generous gardens, mature landscaping and small stone boundary walls.

The proposed scheme has been designed to reflect the inter war suburban style of this area of the Conservation Area, rather than the more traditional rural cottage style appearance of the older areas of Aston. This dwelling style is appropriate for its setting and the applicant has gone to considerable lengths to replicate an inter war suburban style, with matching chimneys and small stone boundary walling. The

density of the development also reflects the density of adjoining dwellings and will not appear overdeveloped.

It is therefore considered that the proposal is in keeping with the style and character of the Conservation Area and as such would therefore continue to preserve and enhance the Conservation Area. As such the proposals are considered to be in accordance with Core Strategy CS23 'Valuing the Historic Environment', saved UDP Policy ENV2.11, and the general guidance in the NPPF.

Residential Amenity

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 dwellings are all 4 & 5 detached homes set within generous plots, which are all set off the boundaries to minimise any harm to neighbouring amenity. As such no overlooking of neighbouring residence will occur and the dwellings will not appear overbearing.

It is therefore considered that the proposed development would not have any impact on the existing amenity levels of the occupiers of neighbouring properties. The proposal would not cause any loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces and would comply with the guidance detailed within the adopted SPG 'Housing Guidance 3: Residential infill plots,' along with the advice within the South Yorkshire Residential Design Guide (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 SYRDG provides minimum standards for internal spaces which includes 77sqm for 3 bed properties and 93sqm for 4 bed properties. All of the house types far exceed the Council's minimum standards and include gardens well beyond the 60sqm minimum recommend by the Council. As such the dwellings will be acceptable to future occupants.

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

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 Council's Drainage Team notes that the proposed foul and surface water drainage is satisfactory and state that the recommendations in the latest Flood Risk Assessment must be adhered to for the development to be acceptable.

With regard to contamination from driveways, this issue is addressed by way of recommended planning condition 15.

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.

Highways Issues

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 number of objectors have raised concerns regarding the access onto Worksop Road and the potential impact upon highway safety. The proposed access to Worksop Road has been designed in accordance with guidance from Manual for Streets and the South Yorkshire Residential Design Guide and the Transportation Unit consider it acceptable in a highway context.

All properties will have 2 or more car parking spaces, as well as garages, preventing awkward on street parking and allowing the highway to open for the free and safe flow of traffic.

The development is also located within a sustainable location, within walking distance of a bus stop, local pub and shops to the centre of Aston. As such the need for car bound journeys will be reduced.

Objectors have raised the issue about Worksop Road not being suitable for children or adults with pushchairs. The Transportation Unit consider that the site is accessible and that pavements on Worksop Road can accommodate pushchairs.

The development is therefore considered to be 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.

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.

Originally the development involved four on site affordable housing units as part of 22 dwellings on site. The number of units on site has now been reduced to 16 and the applicant no longer considers on site affordable housing appropriate.

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

The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:

- i. Sites of 15 dwellings or more or developments with a gross site area of 0.5 hectares or more; 25% affordable homes on site."

In relation to the current application this would relate to the provision of 4 affordable units on the site. Following extensive negotiations with the applicant the Council has agreed to a commuted sum of £224,000 in lieu of on-site delivery of affordable homes. This amount equates to 40% of the open market value of 4 x 2 bed houses, which was the affordable housing requirement if the units were to be delivered on site. The commuted sum will provide funding for two social housing bungalow schemes which have stalled following Central Government changes to rent subsidies.

No other commuted sums are sought for the site and the applicant has agreed to the creation of Green Space management company to manage and maintain the on-site Green Space, including the 15m buffer strip and the ponds. This will ensure that the ecological benefits of the scheme are retained and that dwellings on site do not encroach into the adjoining sensitive woodland setting.

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.

Other matters raised by objectors

The issues raised by objections to the application have been considered in the appraisal above. However, in addition to these points an objection has raised concerns regarding the level of consultation which has taken place between the Council, statutory consultees and neighbouring residents. The objector also considers that the applicant failed to adequately consult prior to the submission of the application.

In respect of the statutory consultation required under the Environmental Impact Assessment Regulations (2011) the Council consulted with both statutory consultees (the Environment Agency and Natural England) when the scheme was amended to reduce the number of dwellings from 22 to 16 and an addendum Environmental Statement was published.

In respect of consultation with ecological experts it is confirmed that consultation has taken place with the Council's ecologist (due to the original ecologist leaving the Council, three separate ecologists have commented on the proposals, having regard to the comments raised by the predecessors). There is no requirement to consult Sheffield and Rotherham Wildlife trust, though their comments have been taken into account in the consideration of the proposals.

An objector has noted that the applicant has failed to undertake adequate consultation prior to the submission of the application. There is no statutory requirement to carry out such consultation and it is considered that local residents have been provided with ample opportunity to comment on the proposals, both as originally submitted and as amended.

An objector has complained that the Council failed to notify him in respect of the original submission. Statutory advertisement of the application as originally submitted was carried out by way of a press notice, site notice and neighbour notification. The statutory requirements for a development of this nature are that it should be advertised by way of a press and site notice, which took place. The neighbour letters also sent out were additional to the statutory requirements.

The owners of the adjacent Local Wildlife Site have indicated that they do not want water to discharge from the site onto their land, and this is discussed in the Appraisal above. Given that the drainage system has been designed so as to ensure that there is minimal change to the current drainage of water from the application site to the woodland, there may in fact be no requirement for an easement to be granted by the adjacent landowners as the applicant may in fact be in possession of a prescriptive right to discharge water onto the wooded land.

Further, even if an easement does need to be negotiated between the two landowners, it is not considered that this is a bar to the development going forward. This is a matter of a private law negotiation which officers consider is not intractable, despite the adjoining landowners' current stated position.

In any event, it is recommended that the matter be dealt with by condition. Recommended condition 13 states that no development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, have been submitted to and approved in writing by the Local Planning Authority.

In respect of the allocation of the site in the 'Draft' Sites and Policies Document, the reference to the proposed Greenspace allocation, should no progress be made on the planning application, reflected the situation at that time. The Publication Sites and Policies Document, that has been submitted for independent examination, shows that the site is now proposed to be "washed over" as residential use (it does not specifically include the site as an allocation). In effect, it would have the same status as any other parcel of land in an established residential area so, subject to planning considerations being met, could be suitable in principle for residential development. The objector states that if they had been aware that the site would continue to be designated as residential then they would have made representations to the Council. However, the Council's letters to consultees on the latter stages of the Sites and Policies Document have made clear that previous comments are not "rolled forward" and that each version of the plan is a new document in its own right and should be read as such. The Council's letter notifying consultees of the Publication version particularly stressed this point.

An objector notes that a number of the documents requested in connection with the Planning Application have not been available on the Council's online planning file and as such members of the public have not had an opportunity to comment on these reports. All relevant documents have been published and are available to view.

Conclusion

Having regard to the above it is considered that the proposed development would represent an acceptable and appropriate form of development on this sustainable site that is allocated for Residential purposes and would be in compliance with the requirements detailed within the UDP and Core Strategy, as well as the adopted Supplementary Planning Guidance and the NPPF.

Although policy ENV2.2. is technically breached, this breach should be given little weight as the policy is not in conformity with the provisions of the NPPF. Further, even taking this breach into account, the application can be seen to be in accordance with the development plan as a whole.

Given that the application is in accordance with the development plan, it should only be refused if material considerations indicate otherwise.

In respect of other material considerations raised, the applicant has demonstrated that the scheme will not have a significant adverse impact on ecology, in particular the adjacent Local Wildlife Site, on the residential amenity of existing and future occupiers, on highway safety in this location, or on the Aston Conservation Area, subject to relevant conditions.

As such, subject to the signing of the Section 106 agreement in respect to the matter of provision of an affordable housing contribution and the creation of a Greenspace management company, it is recommended that planning permission be granted subject to conditions.

Conditions

GENERAL

01

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

Reason

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

02

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

Site Layout - 09-020-PL02 Rev N

Site Sections/Street Elevations - 09-020-PL03 Rev C

Latchford Housetype Plans & Elevations - 09-020-PL08 Rev B

Knightsbridge Housetype Plans & Elevations - 09-020-PL07 Rev B

Connaught (Type 1) Housetype Plans & Elevations - 09-020-PL12 Rev B

Connaught (Type 2) Housetype Plans & Elevations - 09-020-PL13 Rev B

Levels on site shall be constructed to those set out on the 'Indicative Overflow Filter Trench' dwg No 351 / 25/ SK.07 rev C.

Reason

To define the permission and for the avoidance of doubt.

03

The development hereby permitted shall be constructed in the following materials, unless otherwise agreed in writing:

-Wienerberger Tabasco Red Multi brick

-Costhorpe Black old weathered stone

- Russell Lothian slate grey roof tiles

-Cream 041 Renderpral Monocouche render

Reason

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

TRANSPORTATION

04

Before the development is brought into use the sight lines indicated on Drg No PL02 rev N shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

Reason

In the interests of road safety.

05

Visibility splays 2.4 m x 59 m shall be provided at the site access to Worksop Road. The visibility splay shall be provided prior to the commencement of works on site and shall form part of the adopted highway.

Reason

In the interests of road safety.

06

Forward visibility splays shall be provided on the highway bends opposite plots 5 and 8 as indicated on Drg No PL02 rev N. The splay shall form part of the adopted highway.

Reason

In the interests of road safety.

07

When the proposed access has been brought into use, the existing access to No 91 Worksop Road shall be permanently closed and the footway / kerblin reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interests of road safety.

08

Before the development is brought into use, that part of the site to be used by vehicles shall be properly constructed with either a permeable surface and associated water retention/collection drainage, or an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site. All to the satisfaction of the Local Planning Authority and shall thereafter be maintained in a working condition.

Reason

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

09

Before the road construction is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be carried out before the development is brought into use.

Reason

In the interests of road safety.

10

Prior to the occupation of the dwellings hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

11

Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority. The plan shall include, but not by way of limitation, details of traffic management measures during the construction work, a site compound, staff parking and measures to deal with dust/mud in the highway. The approved measures shall be implemented throughout the construction period.

Reason

In the interests of road safety.

FLOOD RISK/DRAINAGE

12

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) October 2013/351/25r2/ARP Consultants and the letter ref: 351/25/ARPMjs and the following mitigation measures detailed within the FRA shall be carried out:

1. Limiting the surface water run-off generated by the development so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. The discharge rate must be limited to 7.7l/s. The drainage scheme must be designed to contain up to the 1 in 100yr storm with an allowance for climate change.

2. Flood resilience measures as outlined in section 7.1.3 of the FRA are incorporated into the development.
3. Finished floor levels are set a minimum of 150mm above the existing ground level as detailed in section 7.1.1 of the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

13

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

Reason

To ensure that the development can be properly drained in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution' and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

14

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

Reason

To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

15

Surface water from areas likely to receive petrol/oil contamination (e.g. vehicle parking areas) shall be passed through effective oil/grit interceptors prior to discharge to any sewer or watercourse.

Reason

To prevent pollution of any watercourse in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

16

Prior to its construction, details as to how the sewer that discharges surface water from the site around Foers Wood would be prevented from acting as a land drain and potentially draining the water along the new drainage trench shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented when the drain is laid.

Reason

To prevent the route of the sewer acting as a land drain and creating flooding problems on that part of the site.

17

Details of the proposed means of disposal of foul drainage, including details of any off-site work, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

CONTAMINATED LAND

18

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

Reason

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

19

If subsoils / topsoils are required to be imported to site for garden or soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of such testing will need to be forwarded to the Local Planning Authority for review and comment before occupation of the residential dwellings.

Reason

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

LANDSCAPE

20

Landscaping of the site as shown on the approved plan (drawing no.2100 Rev L) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

21

No work or storage on the site shall commence until all the trees/hedges/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. This shall be positioned in accordance with the submitted Tree Protection Plan JKK7599 Fig3 Rev B. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/hedges/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

22

Prior to the construction of any trenches or ponds within the root protection areas of the protected woodland, a method statement shall be submitted to and approved in writing by the Local Planning Authority, indicating how the works will be undertaken to prevent any adverse impact upon the existing trees.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

ECOLOGY

23

Prior to the completion of the dwellings details of any security lighting to the rear of plots 2-10 shall be submitted to and approved by the Local Planning Authority. No additional security lighting shall be installed, without the prior written consent of the Local Planning Authority.

Reason

In the interest of ecology and to prevent disturbance to nearby nesting birds and bats.

24

Prior to the commencement of development a biodiversity mitigation strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The strategy should include all details as listed in Chapter 5 of the Environmental Statement and in the Landscape Management Plan, as well as Newt protection barriers on the northern boundary, and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

In the interest of ecology and to prevent disturbance to nearby nesting birds and bats.

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 11, 13 and 24 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.

- ii. The details required under condition numbers 11, 13 and 24 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

Informatives

01

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

02

Noise Disturbance

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

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

03

Based on information provided with this application it has become apparent that asbestos containing material may be present within the existing building structure. The removal of asbestos materials must be carried out in accordance with appropriate guidance and legislation including compliance with waste management requirements. Accordingly any works should be managed to avoid damage to any asbestos containing material such as to prevent the release or spreading of asbestos within the site or on to any neighbouring land. Failure to comply with this may result in the matter being investigated by the Health and Safety enforcing authority and the development not being fit for the proposed use. In addition the developer may incur further costs and a time delay while ensuring the matter is correctly resolved.

04

Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015:

In the determination of this application the Council has had regard to the information contained in the Environmental Statement submitted with the application, along with all other material planning considerations.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was amended during to the application process to overcome harm to ecology and the setting within the Conservation Area. It was considered to be in accordance with the principles of the National Planning Policy Framework.