

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THURSDAY 25 AUGUST 2016**

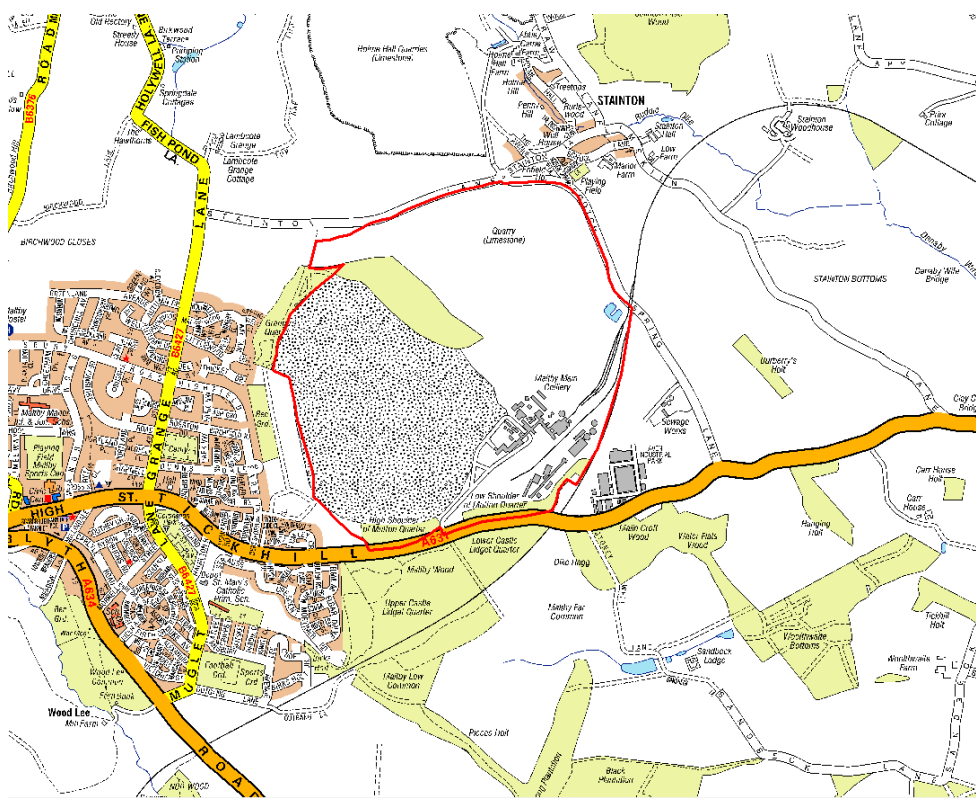
The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

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Application Number	RB2016/0598
Proposal and Location	Maltby Colliery GDO Tip and Stainton Tip Revised Reclamation Scheme over a 6 year and 6 month period, with cut and fill operations, the import of 1.32 million tonnes of suitable fill material and 150,000 tonnes of soil making materials and restoration of the former colliery tip to beneficial after-uses, including amenity grassland, agriculture, public access and nature conservation enhancement, and temporary ancillary and associated activities and the export of the residual stocks of mineral involving up to 65,000 tonnes of coal fines and 20,000 tonnes of deep mined coal to market, at former Maltby Colliery, Tickhill Road. S66 7HG
Recommendation	<p>A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <p><i>Financial contribution of £6,000 to the Council in order to finance the provision by the Council, of road signs, road markings and verge marker posts in the vicinity of the site access to improve junction visibility and safety in accordance with the recommended attached draft plan from RMBC Highways.</i></p> <p>B Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

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



Site Description and Location

The site comprises of a large site area (approximately 43 hectares in size) that relates to the spoil heap in the northern area of the former Malby Main Colliery off Tickhill Road in Maltby.

The application site is located approximately 1.3 km to the east of the centre of Maltby and is set behind a large expanse of woodland (Maltby Woods) with vehicular access taken via Tickhill Road (A631) which provides a route between junction 1 of the M18 and Tickhill to the east. The railhead facility on site provides potential freight facilities between Worksop and Doncaster.

To the west of the colliery lies allotment land and the residential areas of Highfield Park and Malwood Way, to the north are open fields separated by Stainton Lane (beyond which lies Holme Hall Quarry) whilst Scotch Spring Lane lies to the east / north east. Aven Industrial Estate borders the application site to the south east.

The colliery closed in 2013 and with the exception of the former offices, maintenance store, methane gas convertor buildings and railhead facility, all of which are located towards the east portion of the site, the remainder of the mine buildings have since been demolished and the shafts capped.

The area to which this application relates is found within the central area of the site adjacent to the internal haul road and comprises of an open area of raised land containing several voids, which historically have been used as lagoons for the collection of water prior to being treated and discharged via existing drainage facilities.

Background

The site has been the subject of numerous applications relating to its previous use as a coal mining facility, the most recent being summarised as follows:

RB2014/0581- Retrospective application for the importation of mine runoff fines (MRF) from Hatfield Colliery and additional importation of up to 275,000 tonnes of MRF per annum over the final year (November 2014-October 2015) – Refused (appeal subsequently withdrawn). This activity has since ceased.

RB2014/0494 - Retain former colliery buildings and associated plant & machinery for generation of electricity from coal mine methane.
Granted Conditionally 15/10/14.

RB2013/1240 - Use of former colliery building for engineering purposes including parts storage, maintenance and servicing facility, and general workshop associated with the energy and minerals industries.
Granted Conditionally 28/10/13.

RB2010/1396 - Application for variation to conditions 21 (to include revised working and restoration phasing arrangements), 23 (to include revised final levels of the restored site) and 24 (to include revised restoration proposals) imposed by application RB2002/0935.
Granted Conditionally 21/03/11. Condition 4 of this permission notes that:

04

All operations at the site shall cease and the restoration of the site shall have been completed by 22 February 2042 at the latest.

RB2002/0935 – Application for review of conditions imposed by minerals permissions R78/3000P and D78/1714.
Granted Conditionally 05/08/2004.

The proposals are considered to constitute Environmental Impact Assessment development and the application has been submitted with an Environmental Statement. This followed a Scoping Report that was agreed in March 2016.

Proposal

The colliery unexpectedly ceased production in 2013 however the approved scheme granted consent for coal production/ spoil disposal until 2025. The early cessation of coal production means that the approved scheme for colliery spoil disposal can no longer be implemented. Therefore a revised restoration scheme is required, to provide a lower profile than that approved, and to complete areas of excavation and lagoon areas which remain unfinished. This application is therefore for a revised reclamation scheme at the former Maltby Colliery Tip to ensure that progressive restoration of the colliery tip takes place.

The work is proposed to take place over a 6 year and 6 month period, including cut and fill operations, the import of 1.32 million tonnes of suitable fill material and 150,000 tonnes of soil making materials. It is proposed to progressively restore the former colliery tip to beneficial after-uses, including amenity grassland, agriculture, public access and nature conservation enhancement areas, and temporary ancillary and associated activities.

It is also proposed to export the residual stocks of mineral on site, consisting of up to 65,000 tonnes of coal fines and 20,000 tonnes of deep mined coal, off site to market. It is expected that this will be completed by November 2016.

As indicated above, the works constitute EIA development and an Environmental Statement has been submitted with the application. The details of the application can be summarised below:

Details of development work

The on site activities will include:-

Operation of the weighbridge and wheel wash

Loading stocking sorting and processing fill material and soil making material

Unloading of any rail borne material

Use of fixed and mobile plant

Maintenance and parking of HGV's on site

Store, office, workshop etc – temporary retention of existing on site buildings

The Reclamation Scheme provides for the reclamation of the Colliery Tip in a progressive manner commencing in the south west, nearest to Maltby, then proceeding to the north and then north east.

This reclamation scheme seeks to achieve the key objectives of the currently approved restoration measures for the colliery whilst reducing implementation costs along with restoring this part of the site more rapidly and to a lower landform than the currently approved scheme. This proposal is not reliant on European, national or local government funding.

Approximately 5 hectares of the south west flank of the tip was restored in 2015 in accordance with the 2010 scheme. This area will be maintained as part of the reclamation scheme. The remaining section of maturing previous restoration woodland on the northern flank of the tip will be retained. Following the completion of the cutting and filling operations and the progressive recovery and reclamation, including restoration, of the finalised landform, the colliery tip will be subject to appropriate surface treatment, including grass seeding, tree planting, ditching, fencing and the creation of paths, which will result in an appropriate and productive landform with a range of habitat types and uses including amenity grassland, agriculture, public access and nature conservation. Once restored the colliery tip will be subject to 5 years of aftercare and areas of the restored colliery tip will enter aftercare in a phased manner.

Alternatives

A number of alternative solutions and designs have been considered. However, such alternatives have been discounted for various reasons including environmental and economic grounds and these are summarised as follows:

- Alternative schemes
- Use of alternative soil resources
- Alternative transport options

Consideration was given to whether the existing excavations within the colliery tip (namely lagoons 1, 8 and 11) could be left largely unfilled as permanent features within the colliery tip. This alternative would result in significantly less earthmoving being required and reduce the need for imported fill. However, these features would ultimately fill with water to a considerable depth. Whilst they may be landscaped to form attractive restoration features, retaining large quantities of water would have a detrimental impact on the long term stability of the colliery tip. Additionally having deep water bodies would have public safety implications and as these reservoirs would be above the surrounding land, they would require long term monitoring and control.

Increasing the quantities of imported fill material with a complete infilling of L11 void would potentially give a more beneficial afteruse with less steep slopes. However, this would have a scheme life approaching 20 years. An intermediate landform would take approximately 10 years to deliver and was also discounted.

Reducing the quantity of fill material was also raised at a community consultation. However, the colliery tip was designed and constructed to provide a safe, secure and geotechnically stable landform which conforms to the 1971 Mines and Quarries regulations. The tip was also designed to be constructed from the bottom up and was never designed to be re-excavated. Also the tip contains a number of smaller lagoons which have been capped and sealed as well as internal drains. Ultimately this would disturb the capped lagoons, the surface of which would be unconsolidated and potentially unsafe surface to deliver restoration. Whilst some

internal cut and fill operations will be used across the site, to only use this form of restoration would also significantly increase costs of the scheme.

Transportation Assessment

Whilst the Reclamation Scheme includes provision for the import of some fill material by rail, the transport assessment has examined a scenario within which all fill material is imported by HGV. Under this scenario, the number of vehicles which could be added to the local highway network would remain small, involving an assumed worst case of 5 to 6 HGV arrivals per hour (or 10 to 12 HGV movements) using a 10 hour working day for robustness, and would not require further environmental or highway capacity assessment (especially given the limited time over which movements would occur).

A highway signage and marking scheme has been identified on the eastward approach to the access junction. This relates to the limited visibility looking right out of the site, and the anticipated direction that most HGVs will travel to the site. As such, given the implementation of this scheme, the Transportation Assessment concludes that there should be no highway-related reason to refuse the proposed development. The materials will be transported around the site using existing haul roads. These will be removed after completion of the works.

Air Quality

An air quality and dust assessment has been carried out for the Reclamation Scheme.

- This assessment has predicted the potential effects associated with vehicles accessing the site during the Reclamation Scheme. It is predicted that, without mitigation measures in place, the effect of the additional vehicles along the A631 would be not significant.
- The implementation of suitable mitigation measures would minimise any effects further.
- Without the use of mitigation measures, it is predicted that dust effects could occur at some existing sensitive receptors in the vicinity of the site.
- The distances between site operations and the surrounding sensitive receptors would allow most, if not all, of the dust to be deposited naturally before it reaches the properties.
- A Dust Action Plan details the mitigation measures that would be implemented at the site during the operational phase. The effective implementation of the dust mitigation measures would ensure that any residual effect at nearby sensitive receptors would be insignificant.

Ecology and biodiversity

The beneficial use of imported fill and soil making materials to re-cover the colliery tip with resultant restoration and aftercare will provide for landscape, recreational and ecological enhancement including:

- 19.8 hectares of new native broadleaved woodland and scrub (in addition to the retention of 14.6 hectares of existing woodland and scrub within the site, including the 2 hectares of mature woodland on the colliery tip which was to be removed under the 2010 scheme),
- 23.1 hectares of neutral grassland with wildflowers.
- 47.2 hectares of amenity grassland and/or biomass.
- 3.6 kilometres of new public access routes linking with the wider rights of way network.

Summary of Ecological Impacts				
Receptor	Value	Mitigation	Overall Impact	Significance of Effect
Maltby Commons Local Nature Reserve	Local	Dust Action Plan and other best practices	Negligible (adverse)	Negligible
Maltby Commons and Woodlands Local Wildlife Site	Local	Dust Action Plan and other best practices	Negligible (adverse)	Negligible
Maltby Low Common SSSI	National	Dust Action Plan and other best practices	Negligible (adverse)	Minor
Roche Abbey Woodlands SSSI	National	Dust Action Plan and other best practices	Negligible (adverse)	Minor
Largely bare colliery spoil	Site	Restoration Proposals	Moderate (beneficial)	Negligible

An extended Phase 1 Habitat Survey was also undertaken. The survey method was extended to include the recording of additional relevant information on habitats and species. In addition, the suitability of the site for protected fauna was assessed.

Landscape and visual impact

The Reclamation Scheme restoration proposals for the colliery tip are shown on Drawing No. 27516 Restoration Plan (2016). The restoration scheme for the Colliery Tip will result in the creation of a dome-shaped landform profile falling from an existing high point of 145m AOD near the centre of the GDO Tip north eastwards to 8 existing levels of 95m AOD along the eastern lip of Stainton Quarry Tip.

In keeping with the 2010 scheme, the existing, steeper, gradients will be retained around the flanks of the tips with shallower gradients across upper parts of the landform. The Visual effects on residential receptors, users of public rights of way and roads, recreation and community facilities and visitors to heritage features have been summarised as follows:

Noise

The potential noise impacts associated with the Reclamation Scheme have been assessed at existing sensitive receptors:

- With appropriate mitigation measures in place, including a proposed Noise Action Plan for the Reclamation Scheme, the predicted noise levels are lower

than the noise limits defined in accordance with NPPG, resulting in a Minor-Adverse impact.

- The proposed HGV movements will not result in any significant impacts at existing sensitive receptors when considered in relation to existing traffic on the A631 Tickhill Road and therefore no further assessment of noise from HGVs has been undertaken.

It is proposed that the operations associated with the Reclamation Scheme will operate as follows:

- All importation and handling of suitable fill material, cutting, filling and recovery of excavations, along with restoration with soil making materials, will only be undertaken between the hours of 0700 hours and 1900 hours Monday to Friday and between 0700 hours and 1300 hours on Saturday. There will be no such works outwith these hours nor on Sunday, Bank or Public Holidays.
- HGV, mobile and fixed plant maintenance will only be undertaken between 0600 hours and 2100 hours Monday to Friday and between 0600 hours and 1600 hours on Saturday. There will be no such works outwith these hours nor on Sunday, Bank or Public Holidays.
- Pumping may be required to be undertaken on a 24 hour basis.
- Consistent with existing practices the dispatch of the limited volumes of the remaining previously extracted coal fines and deep-mined coal will be undertaken between 0700 hours on Monday and 1300 hours on Saturday. There will be no dispatch on Saturday afternoons, Sunday, Bank or Public Holidays.

Hydrology

Surface runoff from the two tips is presently treated using a number of conventional storage and settlement lagoons located in the eastern part of the site. The water is then discharged in accordance with an Environment Agency permit or discharge consent. There have been no breaches of the consent conditions and there is no reason to suppose that this situation will change during and after the proposed Reclamation Scheme. In fact, there should be less risk of surface water pollution as vegetative cover is established.

The existing surface water drainage system will be utilised. This includes a network of open drains, internal drains within the tip which ultimately feed into the water treatment area located at the eastern side of the pit yard.

Surface water treatment uses conventional storage and settlement lagoons prior to discharging off site in accordance with an Environment Agency discharge consent.

Discharge flow rates from the site have not given rise to any downstream flooding because they are controlled at or around greenfield rates. The risk will not change if the reclamation works are completed and, if anything, discharge flows should be more controlled and further reduced when vegetative cover is established.

The proposed importation of inert and/or non-hazardous fill and soil conditioning materials will not have an adverse impact on groundwater resources. The reclamation of Maltby Colliery GDO and Stainton Tips will further restrict surface water infiltration and reduce the risk of pollution of the underlying limestone aquifer.

Details of a bespoke licence for the importation of fill and soil conditioning materials are yet to be finalised between HML and the Environment Agency.

Other issues

Other issues such as Geotechnical, Coal Mining Legacies and socio-economic effects have been summarised below.

Legacy

- (i) the potential collapse of shallow mine workings and the adverse effects of active or historic mining subsidence; (ii) the collapse or potential entry of abandoned mine openings (i.e. shafts and drifts); (iii) the potential discharge of mine water and the impact the development may have on any existing discharges; (iv) the potential for spontaneous combustion of coal; (v) the potential emission of mine gas; and (vi) the presence of unconsolidated deposits of opencast backfill.

Economic

- The incomes of HML's employees and subcontractors resident in the region will make a substantial and sustained input to the local economy along with wider benefits to the national economy.
- The Reclamation Scheme will be implemented by HML, without any anticipated cost to the 'public purse'. Any revenue from the import of fill and soil making materials, which is required as part of the proposal, will contribute towards the overall cost of the Reclamation Scheme in order to secure the beneficial restoration and aftercare of the colliery tip.

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) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for 'Green Belt' purposes in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the Maltby tip part of the site for 'Green Belt' purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS 4 'Green Belt'

CS 14 'Accessible Places and Managing Demand for Travel'

CS 15 'Key Routes and the Strategic Road Network'

CS 27 'Community Health and Safety'

CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV2 'Conserving the Environment'

ENV3.2 'Minimising the Impact of Development'

ENV3.7 'Control of Pollution'

Joint Waste Plan – adopted by Barnsley, Doncaster and Rotherham in 2012
WCS4 Waste Management Proposals on Non Allocated Sites
WCS5 Landfill
WCS6 General Considerations for all waste Management Proposals

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

Emerging policies:

SP2 Development in the Green Belt

SP20 Former Maltby Colliery

SP39 Green Infrastructure and Landscape

Other Material Considerations

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

National Planning Policy Framework: The 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/Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy but await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

Publicity

A part of the pre-application process a number of meetings have been held with officers of the Council and with Maltby Town Council. In addition public information exhibitions were held at Stainton on 17 February 2016 and in Maltby on the 18 and 20 February. There were 72 attendees at the events. The feedback from these meetings has been addressed within the application and related to the following issues:

- Trespassing from motorbikes and quad bikes to the colliery tip
- HGV and road movements including impact on road maintenance
- Concerns that existing drains could become blocked

- Queried why tip material cannot be excavated to fill in voids to reduce or eliminate need for imported fill material
- Request that the outlook be improved from Maltby to colliery tip

The application was originally advertised in the press on 27 May 2016 and by means of 10 site notices posted around the circumference of the site on 27 May 2016. In addition in excess of 200 individual letters were sent to neighbouring residents that border the overall colliery site. One letter of objection has been received from a resident of Maltby raising concerns about additional HGV movements through Maltby and the impact on highway safety.

The applicant has requested the Right to Speak at the Meeting.

Consultations

RMBC

Streetpride (Transportation and Highways) Unit – Raise no objections subject to the applicant enter into S106 agreement to improve highway safety, and to relevant conditions.

Streetpride (Ecology) – Raise no objections subject to conditions relating to final restoration details.

Streetpride (Landscaping) – No objections subject to the wording of final conditions of phasing of the planting and detailed landscape scheme.

Streetpride (Drainage) – No objections subject to the details of a surface water management plan and this can be sought by the suggested condition.

Neighbourhoods (Environmental Health – Contaminated Land) – No objections.

Neighbourhoods (Environmental Health) – no objections.

External

Environment Agency – No objections, subject to an Environmental Permit.

Highways England – No objections, subject to conditions.

South Yorkshire Mining Advisory Service (SYMAS) – No objections.

The Coal Authority – No objections.

Yorkshire Water – No objections.

Severn Trent Water – No objections subject to condition.

Network Rail – No objections.

Doncaster Council – No comments.

Yorkshire Wildlife Trust – Support the comments made by RMBCs Ecologist. No objections subject to final landscaping/biodiversity scheme with subsequent monitoring conditions.

Natural England – No objections to the proposals and have not recommended any conditions related to visual amenity issues. They did note that the application is in close proximity to Maltby Low Common Site of Special Scientific Interest (SSSI) and Roche Abby Woodlands SSSI but consider that subject to the development being carried out in accordance with the application as submitted, it will not damage or destroy the interest features for which the sites have been notified.

Sheffield Area Geology Trust – No objections. Informative recommended that any geotechnical report that the developer may submit to the planning authority will be made available in the public domain.

Appraisal

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

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

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

The main issues to take into consideration in the determination of the application are –

- The principle of the development in the Green Belt and the impact of the development on the openness of the Green Belt.
- Transportation issues
- Landscaping and impact on visual amenity
- Ecology
- General amenity issues including noise and disturbance to the surroundings
- Drainage and flood issues
- Geotechnical issues
- Other matters raised.
- The very special circumstances to overcome the harm caused.

Principle of the development in the Green Belt and the impact of the development on the openness and visual amenity:

The application has been submitted as the colliery was closed in 2013 and therefore the approved restoration scheme can no longer be implemented. The proposed scheme seeks to address the incomplete filling of the site by the importation of material to achieve acceptable final contours, ensure the future stability of the site and provided adequate restoration and landscaping.

The main differences to the previously approved restoration scheme are that this scheme involves a much reduced volume of fill used. The peak height of the tip would be approximately 140m above sea level, compared to a maximum of 160m in the 2011 scheme with the tip site not being re-graded to the same scale. Void 11 would not be completely filled. The benefit of a reduced restoration scheme is that it would be completed within a much quicker timeframe with a reduced volume of associated vehicular movements into the site. Following the closure of the colliery the original scheme would also be a much more costly scheme for the applicant to implement.

The site is set within the Green Belt as identified in the Council's Adopted Unitary Development Plan and is therefore within an area of development restraint. Core Strategy Policy CS4 'Green Belt,' notes that: "Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy."

The National Planning Policy Framework (NPPF) at chapter 9 'Protecting Green Belt land,' notes at paragraph 79 that: "The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 90 advises that: "Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These (amongst others) are:

- mineral extraction;
- engineering operations."

The proposals being considered in this application do not involve any additional deep mine or surface coal extraction. The proposals do involve the continuing off-site transportation of existing coal stocks which are currently stored on the site (until approximately November 2016). However mineral extraction is no longer taking place at Maltby.

The further question as to whether the cut and fill operations and the importation and infilling of the lagoons to form the revised final levels across the site represent an engineering operation has been considered, and in this respect the activity in which altering the profile of land by excavation, embanking or tipping for the purpose of disposing of waste (which is a material change of use), are generally held to represent development by virtue of sec.55.4(A) of the Town & Country Planning Act 1990. It is considered that the proposed cut and fill operations and the importation of additional material would alter the land levels to an extent that represent 'inappropriate' development.

No new development works are proposed on the eastern section of the site, though this will be an area that will have some temporary storage of imported material, prior to use within the reclamation scheme, and has therefore been included on the red-edge site area. A condition requiring the detail of the restoration of this area to be submitted for approval will be attached to any permission given.

In terms of the overall harm created, notwithstanding the exiting landform and screening of the site it is considered that the importation of the proposed material

would fail the appropriateness test as set out in paragraph 90 the NPPF in that it would compromise the openness of the Green Belt and consequently harm it by detracting from the purposes of including this land within it by way of encroaching into this countryside location.

The issue as to whether or not very special circumstances have been demonstrated to justify the development is discussed below.

Transportation issues:

The objection to the scheme received stems from concerns raised in relation to additional HGV movements through Maltby town centre.

Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel,' notes that: "The Council will work with partners and stakeholders to focus transport investment on making places more accessible and on changing travel behavior by:

- a. 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."

In addition Core Strategy Policy CS15 'Key Routes and the Strategic Road Network,' notes: "The Key Route and Motorway network will provide efficient access between the main Rotherham Urban Area, Principal Settlements and the regional and national road network. This will be achieved by:

- a. Concentrating through traffic on Motorways and 'A' Roads with best use being made of the existing road capacity to enable this.
- b. Improving specific Key Routes to manage congestion including traffic management measures, bus priority and facilities for cyclists and pedestrians.
- d. Concentrating road based freight onto those key routes where it would not have an unacceptable impact on local communities."

The NPPF guides 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."

In relation to alternative method of transportation and alternative methods of restoring the site these have been fully considered in the applicants Environmental Statement. There is an existing rail head at the site which was previously used to export coal from the site and that applicant has indicated that, where ever practical this will be used for the importation of rail-borne fill material. However, it is

anticipated that all, or if not the majority, of the fill material will be transported to the former Colliery by road using the existing site access on the A631 and therefore the application has been assessed on this basis.

To support the application further evidence has been submitted which indicates that the No. of HGV's recorded as entering/leaving the site in January 2012, when the colliery was still operational, was 12 No. movements (4 in/8 out during the AM peak hour) and 11 No. movements (4 out/7 in) during the PM peak hour. Under the current proposal the number of vehicles which could be added to the local highway network is estimated, on an assumed worst case of 5 to 6 HGV arrivals per hour (or 10 to 12 HGV movements per hour) using a 10 hour working day for robustness. This is very similar to the traffic movements generated by the colliery when it was operational.

It is considered that the sustainable benefit in transport terms of seeking to import fill by rail where possible is preferable to reduce road movements, but also acknowledged that at this stage it is difficult to predict the locations where such fill material will arise during the course of the Reclamation Scheme. It is also considered that most, if not all, such sites are unlikely to be rail connected with appropriate loading facilities. Whilst this mode of transport is more preferable, on balance the proposal utilising HGVs to transport the fill material is considered acceptable.

Subject to the signing of the S106 agreement for a contribution of £6,000 for additional road improvements (improved junction signage to be carried out by RMBC Streetpride) and relevant conditions, it is considered that the development does not generate a level of traffic that is detrimental to highway safety. The proposal is in accordance with Core Strategy Policies CS14 'Accessible Places and Managing Demand for Travel' and CS15 'Key Routes and the Strategic Road Network, and the advice within the NPPF. this aspect of the proposal is considered acceptable.

Landscaping and impact on visual amenity

At present the former Maltby Colliery tip is a significant detracting feature within the landscape and is visible from a considerable distance in all directions. The restoration seeks to gently smooth out the contours and form a new landscaped feature which will become a new orientating landscape feature.

The restoration will bring many positive benefits, including the new landscape features, such as grassland, agricultural land and woodland, and recreational routes all of which will enhance the existing green infrastructure and contribute positively to the enhancement of the local landscape character.

The detailed information submitted has been assessed by the relevant consultee including Natural England who have considered that although the site is in close proximity to two Sites of Special Scientific Interest they are satisfied that the development will have no negative impact on the sites. Therefore the SSSIs do not represent a constraint in determining this application.

In assessing the application the detail has been considered against Paragraphs 9 and 118 of the NPPF which state:

“9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to):...

- *moving from a net loss of bio-diversity to achieving net gains for nature’*

“118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:...

- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;”*

RMBC’s Landscaping Team support the overall proposal and have indicated that the submitted Landscape and Visual Impact Assessment report is in line with the previously agreed scoping report. Both the proposed methodology, the viewpoint selection, and technical standards described in relation to both the assessment of effects and presentation of photomontages are considered to be acceptable. The Landscaping Team go on to indicate that the judgments made in the report in respect of both landscape effects and visual effects are considered to be a reasonable representation of the likely effects of the proposed restoration scheme.

Yorkshire Wildlife Trust (YWT) also support the proposed restoration for nature conservation and consider that the proposals are in accordance with the relevant paragraphs of the NPPF.

YWT have requested that details should be made available on where the grass seeds, to be used on site, will be sourced. It is considered that in the interest of clarity, further information should be provided on the detailed planting/ seeding phasing and timescales. A detailed landscape scheme should also be submitted for each phase of restoration, and it is considered that this could be appropriately addressed via condition.

Ecology

The site is within the Green Belt, Green Infrastructure Corridor and is within a County Landscape Area. The survey information submitted (while not carried out at the optimal time of year) does demonstrate significant environmental gain proposed by this application. The Council’s Ecologist accepts that much of the site is still an active working site with extensive reworked coal deposits. The reclamation scheme would substantially enhance this feature.

The final woodland planting scheme should ideally reflect the species and abundances that are in Maltby Wood immediately to the south and/or adjacent woodland areas. It is considered that areas with bare or partially bare ground which be left to re-vegetate naturally since these can produce areas of value to nature conservation. Amenity grassland is to form part of the restoration plan and the Ecologist indicates that large areas of perennial rye-grass are likely to be poor for wildlife and additional details are requested from this aspect.

Subject to the conditioning of these final details, the ecological elements of the proposals are considered to be acceptable.

In summary it is concluded that following the implementation of the Reclamation Scheme together with the stated mitigation there would be no significant adverse effects either on habitats, species or designations. A long term beneficial effect will result from the habitat creation proposed within the colliery tip as part of the comprehensive restoration proposals

Amenity issues including noise and disturbance:

No representations from residents have been received on this element.

Core Strategy Policy CS 27 'Community Health and Safety,' notes that: "Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality."

'Saved' UDP Policy ENV3.7 'Control of Pollution,' states: "The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport."

Planning permission will not be granted for new development which:

(i) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water and ground water, or to other nuisances, where such impacts would be beyond acceptable standards, Government Guidance, or incapable of being avoided by incorporating preventative or mitigating measures at the time the development takes place,"

The applicant has indicated that existing haul roads will be removed once no longer required for the internal transfer of cut and fill across the site.

Illumination of the site will be limited to during the hours of darkness during normal working hours.

The NPPG notes that: "Local Planning Authorities decision taking should take account of the acoustic environment and in doing so consider:

- Whether or not a significant adverse effect is occurring or likely to occur.
- Whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved."

In terms of contaminated land, the Council's Environmental Health (Pollution Control officer) concurs with the geotechnical and past coal mining legacy issues within the Environmental Statement. The geotechnical assessment has particular emphasis on the stability of the Maltby Colliery GDO tip and Stainton tip and the excavations that have been formed within them during the recovery of coal fines. The impact of full coal mining legacies (e.g. collapse of shallow mine workings and abandoned mine openings, mines water, mines gas, subsidence, spontaneous combustion of

soils) have also been assessed and none of these are considered to have potential to have an adverse impact on the reclamation and restoration scheme.

The Council's Neighbourhoods (Environmental Health) Service have assessed all of the submitted information and concur that the mitigation measures proposed would minimise any potential for general disturbance to nearby residential areas.

It is therefore considered that the proposed works for this temporary period of time will not have a significant detrimental impact on the living conditions of the occupiers of nearby residential properties, in accordance with Core Strategy Policy CS27 'Community Health and Safety,' UDP Policy ENV3.7 'Control of Pollution,' as well as the advice within the NPPF.

Subject to final conditions regarding the handling and engineered placement of imported fill materials, this aspect of the scheme is considered acceptable.

Drainage and flood issues

All areas of the site lie within the lowest risk Flood Risk Zone (Zone 3) and small areas of the site lie within a Surface Water flood risk area.

The Environment Agency have confirmed that the proposed site is "...designated as a Principal Aquifer. These are geological strata that exhibit high intergranular and/or fracture permeability. They usually provide a high level of water storage and may support water supply and/or river base flow on a strategic scale. The Dolostone geology predominantly offers little or no attenuation to any sources of contamination and is therefore regarded as particularly sensitive in this respect."

Both the Council's Drainage Officer and the Environment Agency have raised no objections to the submitted Flood Risk Assessment.

Subject to a condition of the final drainage details, this element of the application is considered acceptable.

Geotechnical issues

Core Strategy Policy CS26 'Minerals,' notes: "Proposals for non-mineral development within the Mineral Safeguarding Areas (except for householder development and conversions/ changes of use which do not involve any new building or excavation works) will be supported where it can be demonstrated (amongst others) that:

- a. the proposal incorporates the prior extraction of any minerals of economic value in an environmentally acceptable way; or;
- b. mineral resources are either not present or are of no economic value; or
- c. it is not possible to extract the minerals in an environmentally acceptable way or this would have unacceptable impacts on neighbouring uses or the amenity of local communities; or
- d. the extraction of minerals is not feasible; or
- e. the need for the development outweighs the need to safeguard the minerals for the future; or;
- f. the development is minor or temporary in nature; or

- g. Development would not prevent the future extraction of minerals beneath or adjacent to the site.”

As noted above, the current proposal would include the export of residual stocks of mineral, consisting of up to 65,000 tonnes of coal fines and 20,000 tonnes of deep mined coal, off site to market. It is expected that this will be completed by November 2016. No other mineral deposits are reclaimable as Maltby Colliery itself closed in 2013.

In terms of ground stability, the NPPF at Paragraph 120 states: “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the development and/or landowner.” The NPPF further states in Paragraph 121 “planning decisions should ensure the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining...and adequate site investigation information, prepared by a competent person, is presented.”

The supporting details within the Environmental Statement are considered to fully address the stability issues associated with the cutting and filling operations and removal of the lagoons in order to improve long term stability.

Environmental Statement section 12.16 correctly identifies the three mine entries (shafts) which are located within the site. However, on the basis that all are remote from the tip and have been filled and capped in accordance with a Coal Authority approved specification; The Coal Authority is satisfied that there would be no significant risk to ground stability or public safety from these features.

The Coal Authority and SYMAS also concur with the Environmental Statement that all other worked coal seams are at sufficient depth not to have any influence on ground stability.

Other issues:

The supporting Environmental Statement also discusses additional issues below.

Socio-Economic:

The proposal will generate an estimated 20 full time jobs in the first 6 months, which will then reduce to 14 full time jobs for the next 5 years, and dropping to 13 full time jobs in the final year. The additional jobs created, whilst small relative to the size of the site and the number provided previously compared to the colliery use, are welcomed. The site lies entirely within the Green Belt with a primary aim of re-landscaping the site and would not be expected to generate a large number of new jobs in the long term. It is considered that the proposals will have a small positive impact on the local economy, with no net loss to the public purse.

The very special circumstances to overcome the harm caused.

Paragraph 87 of the NPPF notes that: “As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

Additionally Paragraph 88 advises: “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm

to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

Core Strategy Policy CS26 'Minerals,' notes: "Proposals for non-mineral development within the Mineral Safeguarding Areas (except for householder development and conversions/ changes of use which do not involve any new building or excavation works) will be supported where it can be demonstrated (amongst others) that:

- f. the development is minor or temporary in nature."

In considering the above, it is necessary to consider as to whether very special circumstances exist allowing development of this type within the Green Belt. In this instance there are a number of considerations which are considered to be of relevance to this assessment:

- (i) It is only seen as a temporary operation having an overall short time period of 6.5 years (predicted to end by the end of 2023);
- (ii) The deposited material will positively change the profile of the colliery tip and provide a final restoration of the site that reduces the maximum overall height;
- (iii) The existing voids cannot be left in their current state as this is likely to result in them holding water and potentially undermining the long term stability of the Colliery Tip. These lagoons would also have deep pools of water which would create a public safety issue requiring ongoing monitoring and management.
- (iv) The solution proposed is considered to represent the most acceptable compromise by reducing the amount of imported fill to a minimum whilst maximising the ecological benefits in a scheme that can be delivered within 7 years.
- (v) The creation of:
 - 19.8 hectares of new native broadleaf woodland and scrub
 - 23.1 hectares of neutral grassland with flowers
 - 47.2 hectares of amenity grassland
 - 3.6 kilometers of publicly accessible routes across the site.

In view of the above, it is considered that these represent the 'very special circumstances' to warrant the grant of planning permission for this development in the Green Belt in this instance.

Conclusion

The importation activities including the infilling of lagoons and re-grading of landforms represents an engineering operation and is considered to have an impact on the openness of the Green Belt and be inappropriate within the Green Belt as defined in paragraph 90 of the NPPF. However, very special circumstances have been demonstrated to overcome the harm caused.

RMBC's Landscaping Team along with Yorkshire Wildlife Trust support the overall aims of the proposal and consider the Landscape and Visual Impact Assessment to be acceptable subject to final planting and landscaping details.

The Coal Authority and SYMAS also concur with the Environmental Statement that all other worked coal seams are at sufficient depth not to have any influence on ground stability. Both the Council's Drainage Officer and the Environment Agency have raised no objections to the submitted Flood Risk Assessment.

In terms of Transportation issues, it is considered that the development does not generate a level of traffic that is detrimental to highway safety such that it is in accordance with Core Strategy Policies CS14 'Accessible Places and Managing Demand for Travel' and CS15 'Key Routes and the Strategic Road Network, and the advice within the NPPF.

The Council concurs with the applicant's view that the proposals will have a small positive impact on the local economy, with the creation of some jobs during the reclamation works.

Therefore while there are some negative impact of the proposal, mainly the importation of material by HGV's the positive impact of the environmentally acceptable restoration scheme to secure the reclamation of the site clearly outweigh the impacts.

Subject to the signing of the S106 agreement for a contribution of £6,000 for additional road improvements, the proposal is considered acceptable subject to final recommended 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 development permitted shall only be carried out in accordance with the approved drawings and documents set out in the Environmental Statement version no. 1 dated May 2016 (ref Signet Planning on behalf of Hargreaves Maltby Limited). Final contours shall be as set out on the Restoration Plan (2016) – Drawing number 27516 rev01, and the area outside the 'Extent of restoration works' shall be laid out and used in accordance with the Ancillary and Associated Activities Plan – Drawing number 27524.

Reason

To define the permission and for the avoidance of doubt.

03

Unless otherwise agreed in writing with the Local Planning Authority the site shall be worked and restored progressively in accordance with the phasing arrangements contained within the Environmental Statement (version no. 1 dated May 2016, ref Signet Planning)

Reason

To define the permission and for the avoidance of doubt.

04

The Local Planning Authority shall be provided with 5 days advance notice in writing of the commencement of operations for the restoration of the 'Extent of restoration works' part of the site as identified on the Restoration Plan (2016) – Drawing number 27516 rev01. All operations within the 'Extent of restoration works' part of the site shall cease and the restoration of this part of the site shall have been completed no later than 6 years and 2 months from the commencement of such operations.

Reason

To ensure that the site is restored to a beneficial afteruse within a reasonable period, in accordance with UDP Policies ENV2 'Conserving the Environment' ENV3.2 'Minimising the Impact of Development' and Core Strategy CS 4 'Green Belt'

05

All operations within the remainder of the site - outside of the 'Extent of restoration works' part of the site (as identified on the Restoration Plan (2016) – Drawing number 27516 rev01) shall cease and the restoration of this part of the site shall have been completed by no later than 5 years following the completion of the operations for the restoration of the 'Extent of restoration works' part of the site, as required by condition 4, in accordance with details to be submitted to and approved by the Local Planning Authority, unless alternative planning permission has been granted and implemented on any part of this land.

Reason

To ensure that the site is restored to a beneficial afteruse within a reasonable period, in accordance with UDP Policies ENV2 'Conserving the Environment' ENV3.2 'Minimising the Impact of Development' and Core Strategy CS 4 'Green Belt'

06

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any subsequent replacement to the order, no additional plant, buildings or machinery shall be erected on the site without the prior written approval of the Local Planning Authority.

Reason

In the interests of local amenity and in accordance with Core Strategy CS 4 'Green Belt'

Site operations

07

Prior to the commencement of development final details of any temporary illumination of the site proposed shall be submitted to and approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details.

Reason

In the interests of local amenity and in accordance with Core Strategy CS 4 'Green Belt'

08

Any approved illumination on the 'Extent of restoration works' part of the site (as identified on the Restoration Plan (2016) – Drawing number 27516 rev01) shall only take place between the hours of 0700-1900 Mondays to Fridays and 0700-1300 on Saturdays with no operations on Sundays and Bank Holidays.

Reason

In the interests of local amenity and in accordance with Core Strategy CS 4 'Green Belt'

09

Importation of materials to the site shall only be delivered between the hours of 0700-1900 Mondays to Fridays and 0700-1300 on Saturdays with no operations on Sundays and Bank Holidays. The handling of imported material to the site, along with operations for the restoration of the 'Extent of restoration works' part of the site (as identified on the Restoration Plan (2016) – Drawing number 27516 rev01), shall only be carried out between the hours of 0700-1900 Mondays to Fridays and 0700-1300 on Saturdays with no such operations (other than internal works listed in condition 10) on Sundays and Bank Holidays.

Reason

In the interests of local amenity and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution'

10

HGV, mobile and fixed plant maintenance within the boundary of the site shall only be carried out outside of the 'Extent of restoration works' part of the site as identified on the Restoration Plan (2016) – Drawing number 27516 rev01 between the hours of 0600-2100 Mondays to Fridays and 0600-1600 on Saturdays with no operations on Sundays and Bank Holidays.

Reason

In the interests of local amenity and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development', ENV3.7 'Control of Pollution'

11

The dispatch of the residual stocks of deep-mined coal and extracted coal fines from the site shall only be carried out between 0700 on Monday to 1300 on Saturday with no dispatch of such mineral on Sundays and Bank Holidays.

Reason

In the interests of local amenity and in accordance with UDP Policies ENV3.2 'Minimising the Impact of Development'

12

Prior to the commencement of development details of the measures to be employed to prevent the egress of mud, water and other detritus onto the highway and details of the measures to be employed to remove any such substance from the highway

shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall be used for the duration of the works.

Reason

In order to ensure the development does not give rise to problems of mud/material deposit on the adjoining public highway in the interests of road safety.

13

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the 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.

Reason

For the avoidance of doubt and in the interests of the amenity of the area.

Highways

14

Prior to the importation of materials to the site and operations for the restoration of the 'Extent of restoration works' part of the site (as identified on the Restoration Plan (2016) – Drawing number 27516 rev01) details of measures to improve visibility in both directions out of the site access to the A631 Tickhill Road, which involves land within the public highway and the site, shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented and the sight lines thus provided shall be maintained throughout the duration of the approved works.

Reasons

In the interests of highway safety

15

Prior to the commencement of development, a final Traffic Management Plan shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented throughout the duration of the approved works. The plan shall include details of lorry routing and measures to deal with mud etc. deposited in the adjacent highway network by vehicles leaving the site.

Reasons

In the interests of highway safety and to minimise congestion on the local highway network and disruption to the nearby residential areas within Maltby

Drainage

16

Development shall not begin 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.

Landscaping/Ecology

17

Following the achievement of final graded surfaces on the 'Extent of restoration works' part of the site, this area shall be landscaped and treated in accordance with the details and specifications indicated on the approved Restoration Plan (2016) Drawing number 27516 Rev 1 (received May 2016). Detailed information and design for each phase of the landscaping scheme shall be submitted to the Local Planning Authority (including ground preparation and drainage, plant species/sizes, planting distances, programme of planting and maintenance to establishment, grass seed/wildflower mixes, details of the grass and its source, boundary details and public access) for approval prior to restoration works being carried out on each phase of the 'Extent of restoration works' part of the site.

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

18

Upon completion of restoration work on each phase of the approved scheme on the 'Extent of restoration works' part of the site shall be managed for a period of 5 full growing seasons in accordance with an aftercare scheme, which shall have been submitted for the approval of the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

19

All soil storage mounds which are to remain for a period in excess of six months shall be sown with a grass seed mixture, which shall have been approved in writing by the Local Planning Authority, during the first available sowing season following

formation. Soil storage mounds shall be maintained and weeds controlled by spraying.

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

Contamination

20

The works shall be carried out in accordance with the approved Earthworks Specification details (ref Chapter 3 of the Environmental Statement) including the handling and placement of imported materials (including cut and fill details) in the locations specified unless otherwise approved in writing by the Local Planning Authority.

Reason

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

21

Following completion of site Earthworks a Validation Report shall be forwarded to the Local Authority for review and comment. The Validation Report shall include details/plans of materials excavated and redeposited and shall also enclose any details of soils imported to site and the results of their chemical testing to ensure all materials used are suitable for use.

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 and neighbours.

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 **07, 12, 14, 15, and 16** 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 **07, 12, 14, 15, and 16** 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

a) Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

b) The site will require an Environmental Permit from the Environment Agency for the mining waste operations. Any proposed discharges to surface water that are integral to the mining waste facility will also form part of the Environmental Permit. The applicant should contact the Environment Agency on 08708 506506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed via the Environment Agency website
http://www.environment_agency.gov.uk

c) The site will require a permit under the Environmental Permitting Regulations 2010 in relation to the deposits on site of mines run off. Please contact the Council's Safer Neighbourhoods Team to discuss matters further.

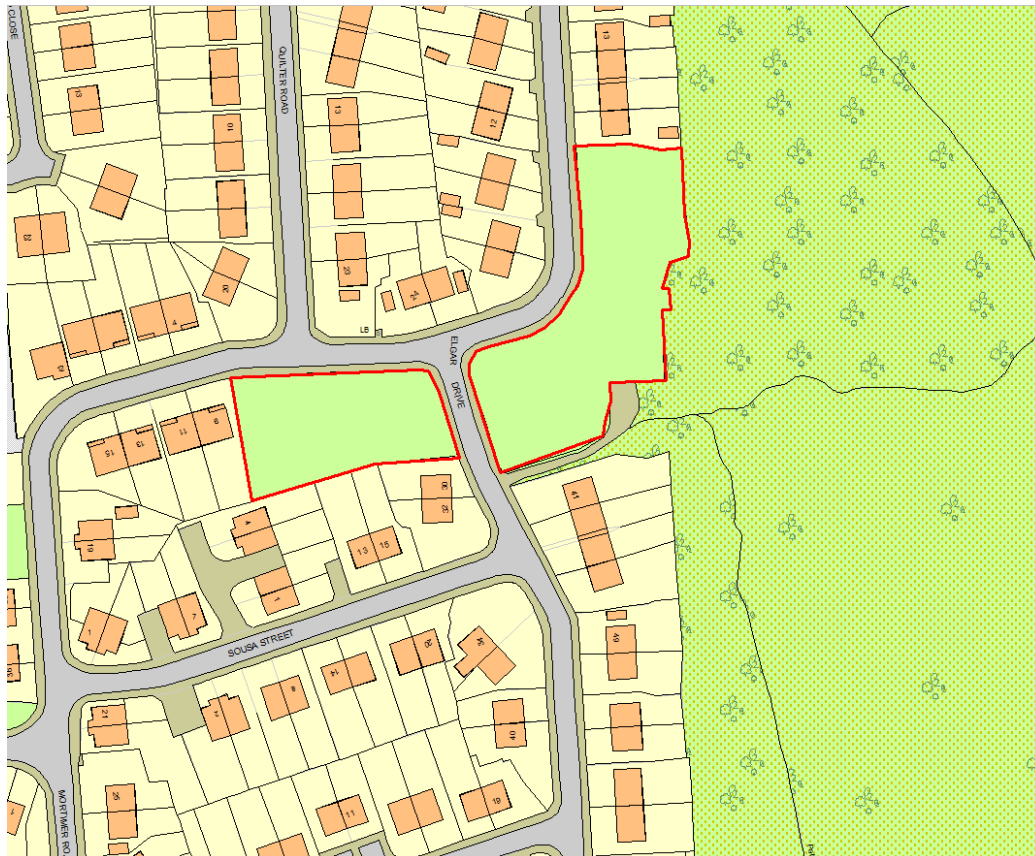
d) Any pollution of groundwater or watercourses should be reported immediately to the Environment Agency using the incident hotline number (0800 807060).

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2016/0692
Proposal and Location	Erection of 20 No. dwellings at land off Elgar Drive / Mortimer Road , Maltby S66 7QE for South Yorkshire Housing Association
Recommendation	Grant subject to conditions

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 application site relates to two parcels of open grassland totalling some 0.4 hectares in area which have been formed following the demolition of 16 properties sometime during late 1999 and early 2000.

That part of the site off Elgar Drive is a reverse L-shape levels affected site which gently slopes in a north / south direction and backs onto the Local Wildlife Site identified as 'Maltby Commons and Woodlands'. This woodland is also identified as an area of 'Ancient and Semi Natural Woodland.' The site is enclosed to its northern, eastern and southern boundaries with paladin fencing coloured green. An electricity substation enclosed with similar coloured green paladin fencing is located close to the junction with Mortimer Road and Elgar Drive. To the southern end of the site is an unofficial footpath link into the woods which has an 'A-gate' and barrier positioned to prevent unauthorised vehicular access onto Elgar Drive. Existing residential properties (nos. 19 and 41 Elgar Drive) are traditional two storey post war concrete panel and concrete tiled roof dwellings set end on to this site having gables with ground floor door and first floor (non-habitable) windows.

That part of the site off Mortimer Road is a roughly rectangular gently sloping site running in a north – south direction and is separated from the adjacent properties by closed boarded fencing. The immediate properties to the west (nos. 9 & 11) are brick constructed semi-detached bungalows with concrete tiled roofs, with properties to the south at nos. 13 & 15 Sousa Street being two storey and of similar materials, having garden areas backing on to the proposed site of application. No. 30 Elgar Drive is a two storey semi-detached dwelling separated from the site with a driveway and set end on with no windows in the gable elevation and also has its rear garden adjacent to the proposed site of application.

Background

The site has been the subject of the following applications:

RB1999/1415 - Application to determine whether prior approval is required of the method of demolition and restoration of the sites re; demolition of 8 dwellinghouses (33-35 37-39 Elgar Drive and 1-7 Mortimer Road).

Prior approval not required - 24/11/99.

Proposal

The application seeks full planning permission for the construction of 20 residential units, all of which are affordable and comprise of socially rented accommodation.

The scheme proposes 17 two storey two bed dwellings at plots 1-15, 19 & 20 set in either pairs or blocks of three, which are set in a linear form along Elgar Drive and Mortimer Road, with plots 8 & 9 splayed to respect the highway junction. A further 3 two bedroom bungalows at plots 16-18 are proposed, set back off Elgar Drive in a private courtyard setting having been designed so as to retain the existing electricity substation.

With regards to materials of construction, the dwellings are indicated to be constructed utilising pre formed fibre cement panels manufactured off site and affixed on site having been transported and craned into position. The external material is indicated as a smooth finished arctic white & iron grey render with graphite coloured fibre cement roof and uPVC grey coloured windows and composite timber external doors.

The application indicates that a total of 27 tarmac off street parking spaces are to be provided broken down into a single space for 13 dwellings, with 7 dwellings provided with double spaces. In addition, hardstanding areas would be provided to the rear or side of plots to house refuse bins, with patio areas at the rear. The submitted drawings further indicatively show locations for the provision of a cycle store per dwelling unit.

Proposed boundary treatments are indicated as being a mix of 0.9 metre high hedgerow with post & wire supports, and low railings separating plots and car parking at the front. Elsewhere, such as to the sides and rear of plots, it is proposed to introduce closed boarded timber fence with concrete posts ranging between 1.5 and 2 metres in height.

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

Design & Access Statement - including Building for Life Assessment (DAS):

The DAS indicates that the scheme as submitted provides 100% affordable housing in a sustainable location and will contribute towards providing a 5 year housing land supply within Rotherham Borough. The associated Building for Life Assessment scores the development against the 12 questions as previously set out by CABE and achieves 11 green and 1 amber rating.

Sustainable Transport Statement (STS):

The STS notes that the applicant aims to promote sustainable transport to and from the site and to provide for a secure area for cycle storage and is happy to accept this as a condition upon any permission granted. Additionally the applicant notes that upon building completion each unit will be presented with a Home User Guide which has sections on local amenities, public transport services, car sharing schemes and local cycling provision.

Affordable Housing Statement:

Notes that the scheme proposes to deliver 17 two bedroom, 4 person, houses and 3 two bedroom, 3 person, bungalows, providing 100% affordable homes. The dwellings will be developed to meet both South Yorkshire Housing Association design standards and also the design and quality standards of the Homes and Communities Agency. It has been developed in partnership with RMBC Strategic Housing and will ultimately be managed by South Yorkshire Housing Association.

Community Consultation:

Notes this event was undertaken on Tuesday 09th February 2016 at Aldersgate Court Community Centre, Maltby. Twenty one people attended who raised the following comments:

- Good idea to build some new, fresher looking houses in this area, which will improve the reputation of the estate and encourage new families to move there.
- Scheme will prevent fly tipping problems already encountered in the woodland.
- Potential loss of greenspace – is further play provision proposed?
- Would prefer a better housing mix and more bungalows.

In response to the above points the applicant considers that the submitted scheme responds to both positive and negative comments made and where possible the scheme has been amended to take account of the issues.

Phase 1 Habitat Survey Report:

The report considers that the habitat types present at the site are amenity grassland, buildings and shrub and the study does not reveal any records of protected species within the site boundary, but does reveal a number of protected species within 500m of the site. However these species are unlikely to be affected by the proposed development as more suitable habitat is available close by.

The report concludes that very little effect on biodiversity within the area will occur from the proposal and that there are some opportunities to enhance the local ecological value and biodiversity by the introduction of native hedgerow species along with tree / shrub planting.

Arboricultural Report:

The original report has been amended at the request of the Council's Tree Service Manager to include an Arboricultural Impact Assessment as well as associated drawings overlaid over the proposed development indicating the likely tree constraints, tree works schedule, and tree protection measures considered necessary. The report notes there are no trees on the site itself, and the trees surveyed were generally found to be in fair condition. Those on the eastern side in Maltby Wood contain overhanging canopies which would require a certain amount of pruning to accommodate the proposed development by providing suitable clearances from proposed gardens. The Arboricultural report notes that a further two trees (Sycamore and Elm) within this group require remedial works such as coppicing and removal of dead stems.

Flood Risk Strategy:

Additional information has been received at the request of the Council's Streetpride (Drainage) Engineer noting that the Environment Agency flood risk toolkit identifies that the site resides in flood zone 1 (Low probability of flood risk) and that as the site is under 1 hectare there is no requirement for a full Flood Risk Assessment. The further drawings provided show an indicative outline drainage proposal confirming it is possible to comply with the Sustainable Urban Drainage System (SuDS) technical standards. The information received further notes that the applicant will be responsible for any ongoing maintenance issues.

Phase II Geo Environmental Site Assessment:

This report identifies a small area of heavy metal contamination, and recommends that made ground in this area should be removed, along with a suitable tolerance, and a layer of clean, certified topsoil introduced as a capping layer.

The report goes on to state that in the proposed areas of soft landscaping, made ground should be removed, and clean, certified topsoil and subsoil introduced to act as a growing medium and capping layer.

The report further notes that due to potential mining works within the area the foundations should be suitably reinforced. Shallow depth spread foundations along with suspended floors are deemed suitable for this development.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with '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 lies adjacent to Maltby Woods (Upper Castle Lidget Quarter) which forms part of the wider Mallin Croft Wood and comprises of Ancient and Semi-Natural woodland and is designated as ancient woodland by the Forestry Commission.

For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS7 'Housing Mix and Affordability'
CS14 'Accessible Places and Managing the Demand for Travel'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscape'
CS25 'Dealing with Flood Risk'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS33 'Presumption in favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

HG4.3 'Windfall Sites'
HG5 'The Residential Environment'
ENV3.4 'Trees, Woodlands and Hedgerows'
ENV3.7 'Control of Pollution'
T8 'Access'

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

SP12 'Development in Residential Areas'

Other Material Considerations

Council's adopted Car Parking Standards (June 2011).

Adopted Supplementary Planning Guidance (SPG) Housing Guidance 3: Residential Infill Plots.

The South Yorkshire Residential Design Guide (SYRDG).

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/Rotherham Local Plan ‘Publication Sites and Policies - September 2015’ policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy but await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

Publicity

The application has been advertised by way of press and site notice in addition to individual neighbour notification letters to adjacent occupiers. One letter of representation from a resident on Quilter Road has been received stating in summary:

- Concerned about the volume of properties to be placed on the land when the roads will not support a higher volume of traffic.
- Two T junctions on a bend would not support visitor parking or parking for families with more than one car.
- The servicing of the substation box causes chaos only when there one or two cars just off the first junction. An additional 20 vehicles will make this worse.
- The plans don't allow for safe crossing of public highways (speed restrictions and traffic calming measures would have to be implemented if any homes are erected but 20 is unimaginable).
- Putting this many new homes in this community can only exacerbate an already noisy neighbourhood.
- Against closing off access to the woods just off Elgar Drive, as this doesn't help with existing fly tipping problem which is a disgrace on all existing accesses into the woods.
- Access to the woods needs to stay as the other official entrance to the woods at the bottom of Elgar Drive is metal fenced and inaccessible and the access at the bottom of Mortimer Road is also metal gated.
- Promoting the entrance directly on the main road across from the Lumley Arms is unsafe, taking children so close to a main road to access our much loved open spaces when all our green space within the estate will be taken away.

A further objection has been received from Greystone Estates Ltd who is the owner of a number of properties on the existing White City estate and this is accompanied with a petition of 31 households, 30 of which are opposed to the application. The main issues raised in the objection in summary relate to:

- Greystone Estates previously owned 25 to 39, 26 & 28 Elgar Drive and 1 to 5 Mortimer Road but had to sell these to RMBC due to damage.
- Greystone Estates have spent a great deal of money and time refurbishing housing stock and this is now one of the best streets in Maltby.
- Greystone Estates have brought all the empty badly damaged houses back into occupation by good tenants that have been carefully vetted which includes a local lettings policy which makes a strong community.
- Current tenants are very happy and no complaints received about Greystone Estates to RMBC.
- Concerned over the management practices of the applicants in terms of vetting prospective new tenants, and complaints in this respect are ignored.
- Greystone Estates tenants very rarely leave but the applicants never manage to keep all their houses let and spend most of their time refitting houses that have been damaged by bad tenants.
- The Estate refurbishment of existing dwellings was done with Government funding and the applicant took a large amount of other tenants.
- It has previously been agreed with the applicants that houses would be swapped in order to keep the Estate split into different ownership blocks, so as to achieve more control over the tenants and build good areas where people are proud to live.

The applicant has requested a Right to Speak at the meeting.

Consultations

Streetpride (Transportation and Highways Unit): Raises no objections to the proposals on highway safety / parking subject to recommended conditions requiring areas to be used by vehicles being properly surfaced, sealed and drained, and a detailed sustainable transport scheme being submitted.

Streetpride (Rights of Way): Raise no comments with regards to this application as there are no definitive paths in this vicinity and presently no claimed routes. It is possible that other rights of way may currently be enjoyed by the public but have not been registered with the Highway Authority since the initial formulation of the Definitive Map. Therefore should rights over the proposed site be ascertained then any such claims would have to be investigated further.

Streetpride (Drainage): In principle raises no objections to the proposals on drainage / flooding grounds subject to the imposition of a suitably worded condition to ensure that the drainage capacity can meet the standard greenfield runoff rate of 5 litres per second per hectare.

Streetpride (Landscape): Raises no objections to the general landscape proposal and layout, and recommends minor additional alterations to the scheme in terms of boundary treatments to front gardens, and an appropriate design for the green corridor planting to mask the substation and enhance the prominent corner where Mortimer Road meets Elgar Drive.

Streetpride (Tree Service Manager): Notes that the combined Arboricultural Report and Arboricultural Impact Assessment JCA 12629/SR and Arboricultural Method Statement JCA 12629c/CC provide general advice on how the development may

be completed without having an adverse impact on the existing trees in the woodland. Therefore, it is recommended that the development is implemented in accordance with the advice within them, which should be imposed as a condition of any planning approval. He also recommends further conditions requiring suitable tree protection barriers (details as to the position of the fencing to be submitted for consideration and approval), along with landscape conditions which should include a reference to further details being submitted of the 2 semi-mature sized trees that the applicant has agreed to plant.

Streetpride (Ecology): Notes that Phase 1 habitat survey should be undertaken within the optimum time of year (April-October) and that where development sites abut onto ancient woodland or local wildlife sites, it is likely that these areas will also need to be surveyed for protected species according to Natural England's Standing Advice. He adds that application sites cannot be considered in isolation especially where they abut onto semi-natural habitat such as woodland, though accepts that the adjoining part of Maltby Wood may be of lower value compared with other parts. There is evidence that it is old established woodland but that it has been clear-felled in the past, and has since regenerated. As such, he does not consider that further protected species surveys need to be carried out.

The Council's Ecologist notes that a Biodiversity Enhancement Strategy should be produced, which could be controlled by way of a planning condition. He concludes that he has concerns that the applicant has not fully taken into account the ancient woodland - or local wildlife site status of the woodland, though does not recommend that planning permission should be refused in this instance.

Strategic Housing Investment (Affordable Housing): Comments that as this is a wholly affordable housing scheme to be built by a partner housing association on a Council owned site, the requirement for contributions is not applicable. The proposed house types are acceptable and meet an identified housing need for the area.

Children & Young People's (Education): Comment that as this is a wholly affordable housing scheme, no education contribution is required, in accordance with the Education Contributions Policy.

Neighbourhoods (Environmental Health): There is a potential for disamenity from noise and dust from the construction of the properties. However as this can be controlled by other regimes (i.e Environmental Protection Act 1990) a suitably worded informative is therefore recommended.

Neighbourhoods (Land Contamination): Raises no specific objections on contamination issues and notes a small area of contaminated land is required to be removed from the site, which along with other matters in relation to soil importation and validation report submission can be controlled by the imposition of suitable conditions.

The Coal Authority: Notes that due to the site's location being within the defined Development Low Risk Area, it is not envisaged any likely impact would occur from mine workings in the area, and therefore any decision issued should include the Coal Authority's Standing Advice.

Severn Trent Water: Raise no objections to the proposals subject to the imposition of a suitable condition in regard to the provision of drainage plans for the disposal of surface water and foul sewage, along with an informative in respect of public sewers.

Natural England: Has no comment to make upon the application as it is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

South Yorkshire Police: Raise no specific objections, but suggest a number of recommendations in terms of the desirability of preventing access to the adjacent woods. In addition, landscaping of the substation should contain trees which have a high canopy in order to keep the line of sight across this area, and generic advice is provided in regard to future maintenance issues and doors/window security.

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.
- Layout, design, landscaping and visual amenity issues.
- Trees, ecology and biodiversity matters.
- Highway safety and car parking issues.
- Impact of the development on the amenity of existing and future occupants.
- Drainage and flood risk.
- Land contamination.
- Other issues raised by objectors.

The principle of the development

The Development Plan currently consists of the Unitary Development Plan (adopted in 1999) and the Core Strategy (adopted in September 2014). The site is allocated for 'Residential' use in the Unitary Development Plan and is considered to be a windfall site where development will contribute to the required housing figures for the Borough.

UDP Policy HG4.3 'Windfall Sites' states that: "The Council will determine proposals for housing developments not identified in Policies HG4.1 and HG4.2 in the light of their (i) location within the existing built up area and compatible with adjoining uses and (iii) compatibility with other relevant policies and guidance."

Core Strategy Policy CS1 'Delivering Rotherham's Spatial Strategy,' notes that Maltby is a Principal Settlement and that within such settlements development will be appropriate to the size of the settlement, meet the identified need of the settlement and its immediate area, and help create a balanced sustainable community.

Paragraph 14 of the NPPF notes that "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development." It adds that: "For decision taking this means approving development proposals that accord with the development plan without delay (unless material planning considerations indicate otherwise)." Paragraph 49 of the NPPF adds that "...housing applications should be considered in the context of the presumption in favour of sustainable development." This is also supported by Core Strategy Policy CS33 'Presumption in favour Sustainable Development'.

One such material planning consideration is set out in Paragraph 47 of the NPPF which requires that Local Planning Authorities (amongst other things) identify and update annually a supply of specific deliverable sites sufficient to provide a five year supply of housing. Currently the Council cannot clearly demonstrate such a supply and the proposed development will contribute towards that supply, in the form of 100% affordable housing.

Policy SP12 'Development in Residential Areas,' of the 'Publication Sites and Policies' document (published in September 2015) states: "...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."

The application site is surrounded by residential properties within a built-up residential locality, close to existing facilities and transport links, and as such the development would accord with the presumption in favour of sustainable development.

The principle of the proposed development is therefore considered to be acceptable and accords with UDP Policy HG4.3 'Windfall Sites,' Core Strategy Policies CS1 'Delivering Rotherham's Spatial Strategy,' and CS33 'Presumption in favour of Sustainable Development', as well as the advice in the NPPF.

Other material planning considerations are discussed further below.

Layout, design, landscaping and visual amenity

With regard to layout considerations UDP Policy HG5 'The Residential Environment,' encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed in paragraph 55 of the NPPF. This is further underpinned by Core Strategy, Policy CS28 'Sustainable Design' which states 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."

The NPPF also notes at paragraph 56 that: “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.” 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.” The NPPG further goes on to advise that: “Local planning authorities are required to take design into consideration and should refuse permission for development of poor design.”

Having regards to the above, it is considered that the layout as proposed generally respects the character and grain of the surrounding existing residential properties and proposes areas set aside for bin storage areas and cycle storage units. Additionally, the introduction of new landscaping to frontages (including 2 no. semi mature trees) retains a spacious nature and ensures that overlooking of the public highway is achieved in accordance with the best practices of designing out crime. Furthermore, having regard to the constraints on the site i.e. the retention of the existing electricity substation, along with the position of the existing trees located in Maltby Wood to the east of the site, the proposed development is considered to be an appropriate density in comparison to the immediate locality.

On the issue of design, across the two sites it is proposed to use an overall mix of four, two storey dwelling types, along with bungalows, set in either pairs or terraced blocks of three properties and has been designed having regard to the provision of rear access to serve rear gardens where appropriate. In respect of the two storey dwellings their proposed design (some of which propose first floor projecting elements), size and siting (incorporating a ‘cranked’ arrangement to cover corner plots) are considered to be appropriate for this location and are not considered to be detrimental to the visual amenity of the surrounding area. Furthermore in regard to the bungalows as proposed, again given their proposed design, size and siting, they are not considered an alien concept in the wider locality. Overall, it is considered that the scale, massing, and contemporary appearance respect the context without directly replicating the architecture.

With regards to the proposed materials of construction, this scheme proposes a modern, innovative and cost effective way of achieving development by constructing the dwellings from pre formed fibre cement panels manufactured off-site, using a mixture of materials consisting of smooth finished arctic white and iron grey render with graphite coloured fibre cement roof. The further incorporation of uPVC grey coloured windows and composite timber external doors is considered to be appropriate for this location and are not detrimental to the visual amenity of the surrounding area.

Turning to matters of landscaping, 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.”

With respect to the submitted landscaping scheme, it is proposed to screen the existing electricity substation with a mix of hedges and shrubs, and soft landscaping is proposed to the front of all plots so as to break up the car parking areas and enable an additional natural enhancement to the overall streetscene, and in particular the important junction with Elgar Drive and Mortimer Road.

The Council’s Landscape Design Service notes that the submitted landscape scheme is generally acceptable and should provide an attractive setting for the development.

Taking account of all of the above, it is considered that the proposal meets the terms of Building for Life 12 and further accords with the provisions of Core Strategy Policies CS28 ‘Sustainable Design,’ and CS21 ‘Landscapes,’ and UDP Policy HG5 ‘The Residential Environment,’ as well as the advice contained within the NPPF and the National Planning Policy Guidance (NPPG).

Trees, ecology and biodiversity matters

The application site is located adjacent to the Local Wildlife Site identified as ‘Maltby Commons and Woodlands’ which is also identified as an area of ‘Ancient and Semi Natural Woodland.’ In addition to Core Strategy, Policy CS21 ‘Landscapes,’ as referred to above, ‘saved’ UDP Policy ENV3.4 ‘Trees, Woodlands and Hedgerows,’ notes: “The Council will seek to promote and enhance tree, woodland and hedgerow coverage throughout the Borough.”

UDP Policy ENV2 ‘Conserving the Environment,’ 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.”

UDP Policy ENV2.2 ‘Interest outside Statutorily Protected Sites,’ further 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.”

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 additionally advises at paragraph 117 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).

Additionally, the NPPF notes at paragraph 118 that: "When determining planning applications, Local Planning Authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles:

- 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,' and further states: "...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."

In assessing the proposal the Council's Tree Service Manager notes the lack of trees on the application site, but draws attention to the Upper Castle Lidget Quarter of Maltby Wood, which is a semi-natural ancient woodland and an irreplaceable habitat, positioned to the east of the proposed site. The standing advice from Natural England and the Forestry Commission is that Local Planning Authorities should refuse planning permission for developments that would lead to the loss or deterioration of irreplaceable habits unless the need for, and benefits of the development in that location clearly outweigh the loss.

With this in mind, the Tree Service Manager initially raised concerns as to what consideration had been given to the provision of suitable space between the proposed development and the existing trees in the adjacent woodland, both in terms of ensuring their survival and in terms of future residents/users of the site. As a result, the applicant submitted a revised combined Arboricultural Report plus Arboricultural Impact Assessment as well as a Arboricultural Method Statement. In addition, the applicant produced solar study drawings indicating the likely shading created upon the garden areas of the proposed dwellings by the trees within the existing adjacent woodland.

In assessing the additional information submitted, the Council's Tree Service Manager still has reservations over the proximity of the new dwellings to the woodland (in particular plot 16), and the likely shading created by these trees which at some 11 metres in height would overshadow the gardens in the early morning. He adds that issues of shading are only likely to increase with future growth whilst

common law rights exist to prune back overhanging branches, future residents of the new properties will have no control over any increase in the height of the trees.

Notwithstanding the above, it is noted that the concerns raised principally affect only one of the proposed dwellings, with many of the others being in a similar position to the dwellings that were previously located on the site, and a similar distance to other existing properties on Elgar Drive both to the north and south of the application site. The overall content of the revised Arboricultural reports which set out how the development would be completed without having an adverse impact on the remainder of the existing trees in the woodland is accepted. It is also noted that the existing boundary fence will act as a suitable barrier to help safeguard the future prospects of any trees within the woodland whose root protection areas (RPA's) extend up to the fence. However, suitable barrier fencing should be provided to protect any RPA's that extend into the site rather than relying on the goodwill of the developer.

In concluding on this matter, it is considered that the proposals generally accord with Core Strategy, Policy CS21 'Landscapes,' and 'saved' UDP Policy ENV3.4 'Trees, Woodlands and Hedgerows.'

With regards to ecology matters, the Council's Ecologist has assessed the submitted Phase 1 Habitat Survey Report along with the additional information supplied from the applicant which notes that Maltby Low Common, Nor Wood, Hell Wood and Wood Grange Quarter are approximately 900m away or further from the site and will not be affected at all by the proposed development.

The applicant acknowledges that the phase 1 habitat survey was carried out before spring and therefore during a sub-optimal period, however it is unlikely that a summer survey will record many more floral species as the site is made up of amenity grassland which is regularly mown and the interface with the woodland is abrupt with no woodland edge belt, and does not therefore feel that the requested additional summer survey would be of great benefit.

In addition, the applicant states that as the western edge of the woodland is already heavily developed (by way of existing residential properties on Elgar Drive both to the north and south of the application site) it is unlikely that the small extent of development proposed will have a large effect upon any bats, badgers or birds within the woodland, especially not as far as 500m into the woodland, and that therefore the additional requested survey may be of limited benefit.

On the matters raised in respect of potential impact upon biodiversity, the applicant notes that the site currently provides an open access point into the woodland and there is evidence of vandalism round the trees close to this access point. As such it is the applicant's view that development around this area would likely deter human access rather than increase it - thereby reducing any potential impact.

With this in mind, the applicant feels that it may not be prudent to undertake the surveys suggested, though what may be of benefit is a Biodiversity Enhancement Plan which could suggest a woodland buffer zone between the development and the woodland edge - thereby proving a management of the biodiversity implementation, and would be happy for this to be conditioned as part of any approval

The Council's Ecologist agrees that a Biodiversity Enhancement Strategy should be produced, which could be controlled by way of a planning condition. He concludes that whilst he has concerns that the applicant has not fully taken into account the ancient woodland - or local wildlife site status of the woodland, he does not recommend that planning permission should be refused in this instance.

Clearly there are concerns about the indirect impact of the proposed development on the adjacent Ancient woodland and Local Wildlife Site though these concerns are not considered strong enough to justify a refusal of the planning application and the need for, and benefits of, the development in this location of 100% affordable housing clearly outweigh the minor potential impact.

Highway safety and parking 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."

The Council's minimum parking standards – adopted June 2011, require 1 parking space per dwelling (1 or 2 bedrooms) and 2 parking spaces per dwelling (3 or 4 bedrooms).

With the above in mind, the Council's Transportation Unit notes that the proposed development is accessed via the existing estate road and has been designed in

accordance with guidance from Manual for Streets and the South Yorkshire Residential Design Guide. The Transportation Unit consider it acceptable in a highway context despite comments requesting possible reduction in speed / traffic calming measures as there are no identified issues in this respect.

With regards to overall parking provision, the scheme indicates a total of 27 off street parking spaces are to be provided, broken down into a single space for 13 dwellings, with the remaining 7 dwellings provided with double spaces thus complying with the Council's parking standards and minimising awkward on street parking. The submitted drawings further indicatively show locations for the provision of a cycle store per dwelling unit and the development is also located within a sustainable location, within walking distance of bus stops such that the need for car bound journeys will be reduced.

Comments have been raised by an objector about the loss of an existing footpath link across the southern edge of the site, adjacent no. 41 Elgar Drive, that runs between Elgar Drive and Maltby Woods. However, the Council's Rights of Way officer notes that no formal link exists at this point and it is not part of the wider definitive rights of way network for the locality (the closest being Maltby Footpath no.16 which is accessed via the cul-de-sac adjacent nos. 65 & 106 Mortimer Road). The application submission does however acknowledge the existence of this unofficial footpath and as such has been designed so as to provide potential access to the woods across the front of the new bungalows, though no actual link is provided (any such link would require permission from the owner of the woodland in this location).

Overall, the development is considered to be sited in a sustainable location and would satisfy the provisions of Policy CS14 'Accessible Places and Managing Demand for Travel' and the advice within the NPPF.

Impact of the development on the amenity of existing and future occupants

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.

The South Yorkshire Residential Design Guide (SYRDG) further advocates that the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth for the purposes of privacy and avoiding overbearing, it also sets out minimum internal room sizes and minimum external garden sizes.

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.

On privacy issues and the impact on existing residential properties, the proposed dwellings would be set in reasonably sized plots, and most meet the minimum 10 metre garden depths. Two of the proposed dwellings (plots 5 and 6) do not meet this target, though the overall distance from the rear elevation of these properties to the rear elevation of properties to the rear of the site on Sousa Street are a minimum of approximately 23m, in excess of the target of 21m. With the introduction of 2 metre high boundary treatment it is considered that the impact of the proposed dwellings on plots 5 and 6 would be acceptable, and it is noted that neighbouring residents have not objected to the proposals.

On the issues of over dominating / over bearing building forms, the SYRDG further notes that for the purposes of daylighting, back-to-back distances should, as appropriate to specific circumstances, be limited by the 25 degree rule which is calculated by taking a horizontal line extending back from the centre point of the lowest window, and drawing a line upwards at 25 degrees.

Additionally the SYRDG further advises that for the purposes of daylighting and avoiding an overbearing relationship, back to side distances and the extent of rear extensions should be limited by the 45 degree rule, which is calculated by taking a horizontal line parallel to the back face of the building at the centre point of the lowest window closest to the side boundary, draw a line 45 degrees upwards and another 45 degrees outwards toward the side boundary.

Taking the above into account, the proposed dwellings would not unduly create over dominating building forms or loss of daylight to adjacent properties.

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 living spaces and external garden areas, and the standards are met in this instance. It is noted that one of the proposed dwellings (plot 19) has first floor windows within 10m of the rear garden of the proposed dwelling on plot 18, though the internal layout has been arranged such that no first floor windows would be provided in the rear wall of plot 19, and a proposed rooflight in the rear roofslope would be a secondary window to the room it serves and could be high level/obscurely glazed. As such the dwellings will be acceptable to future occupants.

It is therefore considered that the proposed development would not cause any loss of privacy or result in any overshadowing of neighbouring properties. Furthermore the scheme provides reasonable levels of amenity for the proposed occupiers. As such it is considered the scheme 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.

Drainage and Flood Risk

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.

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.

Land contamination

In assessing land contamination Core Strategy policy CS27 ‘Community Health and Safety,’ notes: “New development should be appropriate and suitable for its location. Proposals will be required to consider (amongst others) the following factors in locating and designing new development:

- a. Whether proposed or existing development contributes to, or is put at unacceptable risk from pollution, natural hazards or land instability
- b. Public safety and health risks directly arising from in-situ operations, past mining activity, and/ or from potential indirect or cumulative impacts on surrounding areas, sensitive land uses, and the maintenance of healthy functioning ecosystems.
- c. The impact of existing sources of pollution and the potential for remedial measures to address problems of contamination, land stability or air quality.”

The NPPF further advises at paragraph 120 that: “To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

Paragraph 121 to the NPPF further notes that: “Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person is presented.”

Paragraph 122 to the NPPF additionally states: “In doing so, Local Planning Authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.”

With this in mind, the submitted reports indicate the proximity of the application to existing housing to the north, south and west and to the east by Maltby Woods and further references the fact that Maltby Colliery also occupies land 400m to the north of the site, although operations at the site have now ceased.

The reports note no groundwater was encountered at the site during the site investigations, and drilling and installation of five no. boreholes and the excavation of two trial pits and 3 hand-dug trial pits were carried out in 2014 and soil samples collected.

The results of the above revealed that on the whole the site is not affected by contamination with the exception of one soil sample revealing an elevated concentration of lead above the generic assessment guideline value for a residential end use. The report further notes that gas monitoring was undertaken on three occasions. No methane was detected but carbon dioxide was at low concentrations and with no detectable flow. It advises that gas protection measures are not considered necessary for this site.

In assessing the reports, the Council’s Contaminated Land officer considers there is very low risk to the future users of the site from potential site contamination, and to ensure future occupants of the site are protected from any possible lead contamination, all affected materials should be removed and a clean soil capping layer placed in these areas. Additionally any further subsoils/topsoils imported to the site require testing, and furthermore all foundations should be undertaken in line with the recommendations. All of the above can be controlled by the imposition of suitable conditions.

Affordable Housing issues

Core Strategy 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.”

Additionally the NPPF notes at paragraph 50: “...where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”

With this in mind the scheme as submitted proposes to deliver 17 two bedroom 4 person houses and 3 two bedroom 3 person bungalows, providing 100% affordable homes developed in partnership with RMBC Strategic Housing and will ultimately be managed by South Yorkshire Housing Association.

In this regards the Council's Affordable Housing officer comments as this is a wholly affordable housing scheme to be built by a partner housing association on a Council owned site, the requirement for contributions in this case is not applicable; the proposed house types meet an identified housing need for the area and are therefore in accordance with Core Strategy Policy CS7 'Housing Mix and Affordability.'

Other matters raised by objectors

The majority of the issues raised by objections to the application have been considered and addressed in the above appraisal.

The comments raised with regards to loss of existing green space within the estate being taken away have been noted. However, although the site appears to have historically been maintained i.e. grass cut, it has never been intended / allocated for formal public open space, bearing in mind the previous residential properties which existed on the site.

Notwithstanding the above, Paragraph 74 of the NPPF does note that: “Existing open space, sports and recreational buildings and land, including playing fields, should (amongst others) not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.”

Additionally 'saved' UDP policy ENV5.1 'Allocated Urban Greenspace,' (which also applies to incidental Urban Greenspace at UDP Policy ENV5.2) is relevant and notes: “Development that results in the loss of Urban Greenspace as identified on the Proposals Map will (amongst others) only be permitted if:

- (i) alternative provision of equivalent community benefit and accessibility is made, or
- (ii) it would enhance the local Urban Greenspace provision.”

It should be noted that notwithstanding the criteria set out in UDP Policy ENV5.1 'Allocated Urban Greenspace,' the more up to date adopted Core Strategy Policy CS22 'Green Space,' seeks: "...to protect and improve the quality and accessibility of green spaces available to the local community..." and "...green spaces will be protected, managed, enhanced and created (amongst others) by:

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development.
- b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required.
- c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development.
- g. Links between green spaces will be preserved, improved and extended by:
- i. Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that

In this case the Council's Leisure and Green Space Manager notes that both areas subject to this application have been assessed as Low Quality / Low Value in the Green Space Audit (despite them being used for informal recreation), and were subsequently discounted owing to the fact that any impact of loss of these green spaces would be relatively limited and Cherry Tree Park is within five minutes' walk to the west which provides suitable provision for the locality.

With this in mind, it is considered that the proposals accords with 'saved' UDP policy ENV5.2 'Incidental Urban Greenspace,' Core Strategy Policy CS22 'Green Space,' along with the advice within the NPPF.

In respect of comments received about the potential occupiers of the property the Council's Affordable Housing Manager notes South Yorkshire Housing Association are one of the Council's Registered Provider partners. As a result the Council works closely with them if any tenancy issues occur. The Council will receive "nomination rights" to these new affordable homes – therefore only people registered on the Council's waiting list will be eligible to occupy the properties. The Council can refuse to allow applicants onto our waiting lists who have a history of anti-social behaviour or rent arrears. Going forwards, the Council are willing to investigate any evidenced allegations of poor housing management on this estate.

Conclusion

Having regard to the above it is considered that the proposed residential development represents an acceptable form of development within a residential area and that the proposed dwellings by virtue of their layout, scale and design along with the associated landscaping, would not be detrimental to the overall character of the area.

It is further considered that the new dwellings would not have any undue detrimental impact in terms of overdominating building form or loss of privacy due to

overlooking, by either the current occupiers of adjacent occupiers or future occupiers of the proposed dwellings.

Furthermore it is considered that adequate provision has been made for parking for the proposed dwellings such that it is not considered that the development will result in any impact on highway safety.

Whilst there are concerns about the indirect impact of the proposed development on the adjacent Ancient Woodland and Local Wildlife Site, these concerns are not considered strong enough to justify a refusal of the planning application and the need for, and benefits of, the development of 100% affordable housing in this location clearly outweigh the minor potential impact.

Overall, it 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 advice within the NPPF and NPPG.

In respect of other material considerations raised it is recommended that planning permission be granted subject to the suggested conditions set out below.

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

1100-P-000,1:1250 @ A4 Site Location Plan
1100-P-001,1:500 @ A3 Existing Site Plan
1100-P-004,1:200 @ A1 Site Boundary Plan
1100-P-014, Site Shadow Path Visual
1100-P-008,1:100 @ A2 House Type A
1100-P-009,1:100 @ A2 House Type B
1100-P-010, 1:100 @ A2 House Type C
1100-P-01, 1:100 @ A2 House Type D
1100-P-012, 1:100 @ A2 House Type E
1100-P-015, 1:100 @ A2 House Type A Plots 19 & 20
1100-P-007, 1:150 @ A1 Site Street Scenes
1100-P-003, 1:200 @ A1 Site First & Roof Plan (Rev B)
1100-P-005, 1:200 @ A1 Hard and Soft Landscape Plan

1100-P-006, 1:200 @ A1 Site Plan (Rev A)

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form. The development shall thereafter be carried out in accordance with these details.

Reason

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

04

No development shall take place until details of the finished floor levels of the proposed dwellings together with corresponding finished ground levels have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and the approved finished floor and ground levels shall be retained as such at all times thereafter.

Reason

For the avoidance of doubt as to the scope of this permission.

05

All the dwellings hereby approved shall be constructed as affordable houses only as defined by Annex 2 of the NPPF.

Reason

The application has been determined on the basis that the development is to be constructed as 100% affordable housing.

06

The first floor rooflight on the rear roofslope of plot 19 facing plot 18 shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window shall be permanently retained in that condition thereafter.

Reason

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

TRANSPORTATION

07

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'.

08

Prior to the first 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.

09

No development shall take place until details of 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

10

Details of 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, shall be 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 brought into use. 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.

11

Details of drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

CONTAMINATED LAND

12

The development hereby approved, and in particular foundation specifications, shall be undertaken in accordance with sections 5.5 – 5.7 outlined in the report entitled Phase II Geo-Environmental Site Assessment – Land at Quilter Road, Maltby, South Yorkshire S66 7PX – prepared by Met Engineers Limited, dated April 2016, reference 11978/5020.

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.

13

If subsoils / topsoils are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. The results of testing will need to be presented in the format of a Validation Report.

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.

14

Prior to occupation to mitigate against lead contamination all soil/made ground identified around trial pit HD03 should be removed from site and replaced with a clean cover layer comprising of a minimum of 600mm subsoils/topsoils.

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

15

A detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances (including the 2 new trees to be provided).
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme within a timescale agreed, in writing, by the Local Planning Authority.

Reason

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

16

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. 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'.

17

No work or storage on the site shall commence until all the trees/hedges/shrubs to be retained (including those adjacent to the site) have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. This shall be positioned in accordance with details to be submitted to and approved by the Local Planning Authority. 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'.

18

Prior to the commencement of any ground works within the root protection areas of the Ancient woodland to the east of the site, 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'.

19

Notwithstanding the submitted boundary details as indicated on the submitted plans, details indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be completed before the development has been brought into use.

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'.

20

The development hereby approved, shall be undertaken in accordance with the combined Arboricultural Report and Arboricultural Impact Assessment JCA 12629/SR and Arboricultural Method Statement JCA 12629c/CCh received on 27th July 2016.

Reason

To ensure that exiting trees/shrubs are not unduly affected to their overall detriment 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

21

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 the conclusions of the Phase 1 Habitat Survey report (JCA ref12629a/JoC), 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 09, 17 and 21 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 09, 17 and 21 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

INF 11A Control of working practices during construction phase (Close to residential):

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.

02

The applicant's attention is drawn to the fact that Severn Trent Water advises that whilst the statutory sewer records do not show any public sewers within the specified application area, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and the applicant is advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist with obtaining a solution which protects both the public sewer and the buildings.

03

The applicant's attention is drawn to the fact that in complying with the requirements of condition 20, this does not relate to the provision of barrier fencing.

04

INF 20 Deeds/Covenants/Rights of Access

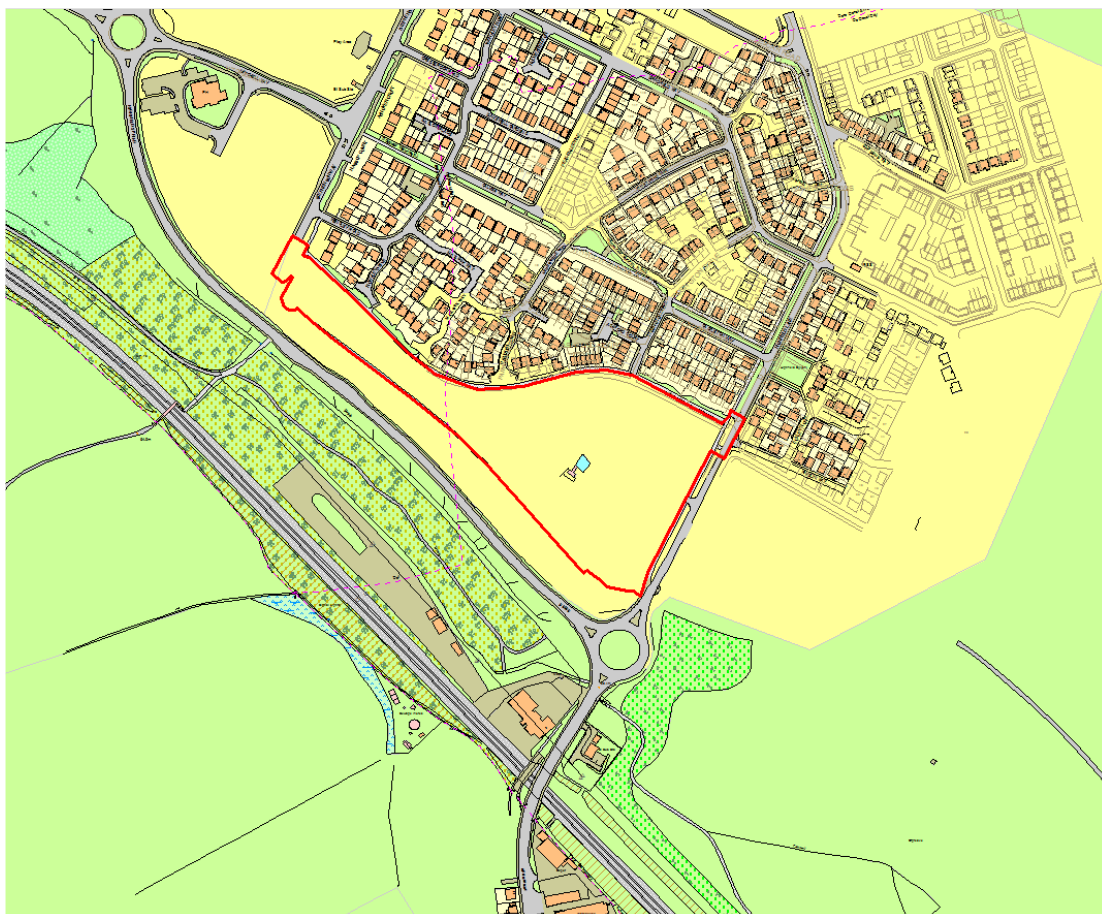
The granting of this permission does not override any restriction/requirement set out in any deeds or covenants relating to the site or any right of way that may exist over the site. These are separate matters that need to be resolved accordingly before development can take place.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2016/0696
Proposal and Location	Reserved matters application (details of landscaping, scale, access, external appearance and layout) for the erection of 105 No. dwellinghouses (including drainage infrastructure) (reserved by outline planning permission RB2015/1460) at Waverley New Community Phase 11 High Field Spring Catcliffe for Harron Homes
Recommendation	Grant subject to conditions

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



Site Description & Location

The site forms part of the wider Waverley New Community and comprises of a parcel of land known as Phase 11. It is located between the southern boundary of recently constructed residential properties and Highfield Spring. The site has an irregular shape and extends to approximately 4.4ha in size. Existing road infrastructure exists to the north west and south east in the form of Stephenson Way and Highfield Lane.

Development immediately to the north comprises of two and two and a half storey dwellings, all of which are now occupied. A Greenway and planted grass verges exist along the northern boundary of the site which provides a pedestrian and cycle route between Highfield Lane and Stephenson Way. Along the southern boundary is a deep ditch which must be retained for drainage purposes. There are two existing gated accesses into this site within the eastern and south-western boundaries.

A number of residential estates surround the wider site including Orgreave, Catcliffe, Treeton and Handsworth and the Advanced Manufacturing Park (AMP) lies to the north-west of the site, beyond Highfield Spring. Other nearby development along Highfield Spring includes a public house and Sheffield University's training centre.

Background

The site has an extensive history of coal mining and associated industrial activity dating back over 200 years. In conjunction with coal mining taking place, a coke works and bio product plant was built in 1919 and operated until its closure in 1990. Since then a number of planning applications have been submitted for the reclamation and remediation of the site.

Following completion of the remediation works, a number of applications were submitted relating to a new community, the relevant ones are listed below:

- RB2008/1372: Outline application with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting). - GRANTED CONDITIONALLY on 16/03/2011
- RB2011/1296: Application under S73 with variation to Conditions 5, 6, 17, 18, 29 (imposed by RB2008/1372) - GRANTED CONDITIONALLY on 30/11/2011
- RB2012/1428: Application under S73 with variation to Condition 26 of RB2011/1296 to increase the trigger point for the implementation of improvements to the A630 Parkway/B6533 Poplar Way/Europa Way junction including details of the works to be undertaken. - GRANTED CONDITIONALLY ON 26/04/2013
- RB2013/0584: Non-material amendment to application RB2012/1428 to include amendments to Conditions 03, 04, 26 and 48 - GRANTED CONDITIONALLY on 26/09/2013

- RB2013/1496: Non-material amendment to RB2012/1428 to change wording of Condition 48 to allow Masterplan Parameters to be updated – GRANTED CONDITIONALLY on 27/11/20139
- RB2014/0775: Application under Section 73 for a minor material amendment to vary conditions 01-06, 08, 12-15, 18, 19, 25, 33, 35, 43, 44, 47 and 48 imposed by RB2012/1428 (Outline application for Waverley New Community) including alterations to the Design & Access Statement & Parameter Plans, the Surface Water Strategy, and with an increase in the trigger points for the submission of an alternative transport scheme to the Bus Rapid Transit and for improvements to the B6066 High Field Spring/Brunel Way – GRANTED CONDITIONALLY on 29/09/2014
- RB2015/01460 - Application to vary Condition 19 (details of improvement to B6066 Highfield Spring/Brunel Way (AMP North) imposed by RB2014/0775 – GRANTED CONDITIONALLY ON 17/12/2015

In addition to the above, a number of Reserved Matters applications have been submitted and subsequently approved amounting to 761 dwellings.

Proposal

The application is for the approval of reserved matters for part of the scheme approved under outline permission RB2015/1460, for Phase 1I of the wider Waverley development. The design of this phase of development is subject to the design code approved for the Highfield Spring (South) Character Area. All matters were reserved at the outline stage and this application seeks approval for details relating to access, appearance, landscaping, layout and scale.

The application seeks permission for 105 residential units consisting of a mixture of 2 bedroom apartments and 1, 4 and 5 bedroom dwellings which are 2, 2.5 and 3 storeys in height. In accordance with the outline permission, 10% affordable housing is provided which equates to 10 no. units, comprising of 6no. 2 bed apartments and 4 no. 1 bed dwellings. Vehicular access will be provided from Stephenson Way and Highfield Lane. A number of secondary and tertiary roads will feed off Highfield Lane and Stephenson Way into the development itself.

The layout can be summarised as follows:

- 6 no. 2 bed apartments, 4no. 1 bedroom dwellings within a quarter house arrangement, 82 no. 4 bedroom dwellings and 13 no. 5 bedroom dwellings;
- Mixture of semi-detached and detached dwellings and a singular block of apartments extending to 2, 2.5 and 3 storeys in height;
- Strong built form fronting Highfield Spring and Highfield Lane;
- Boundary treatment consists of a mixture of brick walls where boundaries abut a highway, open space and the Greenway and timber fences in between properties;
- Maintains and respects the existing Greenway along the northern boundary;
- The inclusion of an area of open space fronting Highfield Lane linking to a public footpath and pedestrian access to Highfield Spring;
- Materials include red and buff brick with white render;

- Car parking will be provided via car parking courts for apartments and the Quarter House whilst on plot parking will be provided for dwellings in the form of integral and detached garages.

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

Design and Access Statement provides information relating to the design evolution and rationale behind the development and how it complies with the Highfield Spring (south) Design Code taking account of the relevant national and local planning guidance and policy.

Ecological Checklist confirms that disturbance/displacement of ground nesting birds, reptiles and brown hare are the main biodiversity implications however an ecological clerk of works will be appointed to undertake checking surveys prior to commencement and during peak breeding/dispersal periods.

Flood Risk Assessment Report has been prepared in relation to the original FRA dated April 2016. It concludes by stating *'Subject to compliance with (mitigation) above, the proposed development can satisfy the requirements of the National Planning Policy Framework and the Planning Practice Guidance in relation to flood risk.'*

Noise Assessment concludes by stating *'In considering the NPPF test in section 123, points A & B. The proposed development is not expected to have an 'adverse impact' on health or quality of life. Similarly, with regard to NPPF (123) point B, it is considered that all 'adverse impacts on health and quality of life' (relating to noise) are mitigated by the use of the following measures. Mitigation comprises a glazing and ventilation strategy for proposed residential dwellings.'*

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) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is unallocated in the UDP. In addition, the Rotherham Local Plan 'Publication Sites and Policies' document allocates the site for 'Residential' purposes on the Policies Map. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS21 'Landscape'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG5 'The Residential Environment'
T8 'Access'

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

SP1 'Sites Allocated for Development'
Reference H54 Waverley New Community

Other Material Considerations

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

National Planning Policy Framework: The 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/Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accordance with both the NPPF and the Core Strategy but await testing during Examination in Public. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

The application has also been assessed against the requirements of the:

South Yorkshire Residential Design Guide.

Rotherham's Interim Planning Statement on Affordable Housing.

The Council's Parking Standards (approved in June 2011).

Publicity

The application was advertised in the press and by individual letters to neighbours. Site notices were also erected on site. A total of 4 representations have been received which are summarised as follows:

- Harron Homes should not be building anymore houses without finishing the ones they started;
- There appear to be no pedestrian linkages between the proposed streets and the existing greenway footpath;
- An insufficient number of properties overlook the greenway footpath;

- The existing development also provides generous landscaping and is set back from the greenway, providing an attractive and open environment. The layout should be amended so that more properties face onto the greenway, with improved landscaping to both mirror the existing development and in the interests of maintaining the public amenity value;
- There is an overuse of the Kinnersley house type in the south east corner of the site facing onto Highfield Spring and Highfield Lane;
- The size of the 3-storey apartment building is out of character with the surrounding area and is unsuitable in this location;
- The public footpath running along the south-west length of the site should be extended to connect to Highfield Lane;
- Parking standards for the Waverley development require 2 parking spaces per dwelling. The apartment and Quarter House building show only 1 space per dwelling;
- The Quarter House building (plots 382-385) detracts from the amenity value of the green space provided off Highfield Lane;
- The landscaping should mirror the existing development with house facing onto the existing public path that runs between the two phases;
- The plans do not give any indication to street lighting. As a resident who has already brought a property I feel that future buyers would want to know the proposed locations;
- The planned water exceedance route is along the path between the two phases. The houses at the bottom by Highfield Lane have already been impacted by excessive run off over the past year;
- Where will the site office and compound for this phase be located, and will this allow for contractors parking so they do not over spill into the estate;
- There is currently a pedestrian access route from Stephenson way to Highfield spring allowing access to the bus stop. This access route should be maintained throughout the works to allow residents to access the bus stop.
- One of the three houses fronting Stephenson Way is very close to our house which has 2 kitchen windows and a dining room window facing.
- The plan will turn parts of the path, which runs along the side of the estate, and passes our kitchen and dining room windows, into little more than a dark alley way which we will look out across from the kitchen and dining room.
- If houses were to be built with open gardens to the side, this would not only look better, but be in keeping the open spacious nature of the estate.
- Way will become a rat run, once it opens onto Highfield Springs. Traffic will cut through the estate to miss morning congestion on Highfield Springs. This will be a road safety issue for residents. Traffic already speeds along Stevenson Way, we were told at a recent meeting that this was because the road is bigger than it should have been, for the purpose that it was built.
- We also have concerns that houses are being built too close to Highfield Spring. This will be a safety, noise and a health issue for anyone who purchases a house next to the road.

Following amendments to the layout a further round of consultation took place where neighbouring properties and residents making earlier representations were consulted by letter giving 14 days to respond. Two representations have been received stating the following:

- Insufficient time to comment given it is the holiday period, however comments relating to the close proximity of Plot 361 to the existing property and increase of traffic on Stephenson Way remain.
- Overall I think the plans are very well thought out. I am however concerned about the location of the Quarter House, this will be opposite my property slightly to the left. I feel that there is a high concentration of affordable housing in this area with this being placed here; as there are already 6 affordable homes to the right of my property and 4 to the rear.
- The Quarter House has only one allocated parking space per property, I can foresee that potentially any additional tenants or visitor parking would take place opposite our drive due to the footpath being next to it. This would make it very difficult in me gaining access to my drive, and would cause excess traffic on our cul-de-sac.

Consultations

Streetpride (Transportation and Highways) have liaised closely with the applicant during the application process and following the submission of amended plans consider the development to be acceptable from a transportation perspective.

Streetpride (Landscape) have liaised closely with the applicant during the application process and following the submission of amended plans consider the development to be appropriate for this phase of the wider development

Streetpride (Drainage) raise no objections to the proposed development subject to the imposition of a condition requiring detailed drainage information prior to the commencement of development.

Neighbourhoods (Affordable Housing Officer) accepts that the Affordable Housing requirement will either be met by the delivery of 10 units (10%) on site, or a commuted sum equivalent to 40% of the open market value if the S106 are not purchased by a social housing provider. This 40% of open market value represents the average level of Developer discount offered in this locality. It may be necessary to negotiate a commuted sum in lieu of all of some of the affordable housing units at the time of completion.

Neighbourhoods (Urban Design) made comments on the initial layout relating to the relationship of dwellings with the Greenway and Open Space, together with the location of the apartment block and pedestrian access into the existing development to the north. Following the submission of an amended layout and landscape plan, earlier comments are now addressed and the development is now considered to be appropriate for this site.

Environment Agency requests that you consult Rotherham Drainage Section in relation to the surface water management requirements for this phase of development.

Yorkshire Water notes that sub-soil conditions do not support the use of soakaways, therefore surface water will discharge into the River Rother via piped networks, SUDS and attenuation reservoirs. On that basis no objections are raised.

Sport England confirm that the proposed development is not considered to fall either within our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance Par. 003 Ref. ID: 37-003-20140306) upon which we would wish to comment, therefore Sport England has not provided a detailed response.

South Yorkshire Police confirm that the development would benefit from being built to Secured by Design standards.

South Yorkshire Fire & Rescue confirm that the proposal appears to be satisfactory; however, if the proposal should become the subject of a Building Regulations application then detailed comments may be made at that time.

Coal Authority have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority records indicate that the site has been subject to past surface mining operations, however has no objections to this reserved matters submission as all issues relating to coal mining legacy were dealt with at outline stage.

Appraisal

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

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

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

The site has planning permission for residential development as part of a wider mixed use outline planning permission that was originally approved in March 2011 under outline application RB2008/1372 and has been renewed in April 2013 under application RB2012/1428, again in September 2014 under RB2014/0775 and again in December 2015 under RB2015/1460. The principle of residential development has therefore been established and is considered to be acceptable.

The main issues in the determination of the current application therefore are the following –

- Design and layout
- Impact on neighbouring amenity
- Compliance with the Design Code
- Highway Safety and Transportation Issues
- Flood Risk and drainage
- Landscaping, Green Infrastructure Provision and Ecology
- Geotechnical & land Contamination Issues
- Affordable Housing

- Planning Obligations

Design and Layout

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

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

In addition, CS policy 21 ‘Landscapes’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. Furthermore, CS policy 28 ‘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.

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

The application site forms Phase 11 of the wider Waverley development and is located immediately to the south of previously consented sites which are now complete. The layout comprises a mix of apartments, a quarter house, semi-detached and detached dwellings. The properties are proposed to be 2, 2.5 and 3 storeys in height.

The layout of this phase of development follows the general principles set out in the masterplan in that it incorporates a key frontage along Highfield Spring and respects the existing Greenway along the northern boundary. The Highfield Spring frontage provides a key interface between Highfield Spring and the built development and incorporates a number of 2.5 storey semi-detached and 2 storey detached dwellings. The siting of these dwellings have ensured consistent spacing which have assisted in creating a natural rhythm to the streetscene, which will stand in contrast to more varied streets internally. All car parking is located on plot in either integral or detached garages, accessed off a proposed new estate road which will run parallel with Highfield Spring.

Having regard to the Greenway frontage, this forms the northern edge of the site and is the interface with the existing built development. This area is considered to be a key route and any development abutting it should maintain safe and secure

green links through the provision of improved surveillance. The site, towards the Stephenson Way boundary, narrows considerably and has resulted in significant challenges when planning the layout of this phase of development. The regulating plan acknowledges that Highfield Spring is the primary frontage where the built form should result in a strong built form, however given the width of the site at this point this has resulted in rear boundaries abutting the Greenway. This arrangement is not ideal, however the applicant was asked to set the rear boundaries in from the Greenway and provide an adequate landscape buffer which, together with the orientation and set back of existing properties on the existing built development, will ensure that the Greenway will maintain an open feel and natural surveillance will be maintained from existing properties in this location. Elsewhere along the Greenway, properties have been designed to front on to this important link and pedestrian access along its entire length has been incorporated into the proposed layout for ease of movement.

A singular block of 3 storey apartments is shown on the junction of Stephenson Way and Highfield Spring; which is mirrored on the adjoining parcel of land (currently undermined under reference RB2016/0745) and will act as an entrance into the site from this access point. Six, 2 bed apartments are proposed over three floors. The elevations have been designed with active frontages to both the north western (Stephenson Way) and south western elevations (Highfield Spring) with the introduction of Juliet balconies at first and second floors and bay windows spanning all three floors. It is proposed to use white render on the Highfield Spring elevation and a mixture of red brick and additional white render to other elevations which reflect the materials proposed elsewhere on this parcel of development. The siting and orientation of this block is considered to be a suitable solution to this future access into the site and reflects the aspirations set out in the Design Code.

The remainder of the development i.e. 'The Internal Streets' are less formal than the Highfield Spring and Greenway streets and comprise of a mix of building types at 2 storey's in height. A variety of materials including red and buff brickwork alongside white render similar to that previously approved in the Waverley Central and Highfield Spring Character Areas are proposed, alongside soft landscaped front gardens without any formal means of enclosure. Rear gardens onto internal streets which result from outward facing development benefit from robust boundary treatments comprising 1800mm brick walls.

In addition to the above an area of open space is proposed off Highfield Lane. The location of this area is dictated by the existence of the underground Handsworth Beck which renders this area of land undevelopable. Despite this, its location provides an opportunity to extend and contribute to a series of linked spaces that provide legibility and interest between the junction of Highfield Spring to the south and the Waverley Walk/School intersection to the north.

Comments have also been received relating to the location of the Quarter House, in close proximity to existing affordable housing on the opposite side of the Greenway. It is acknowledged that the Quarter House has been identified as affordable units, however its design, having habitable room windows in all four habitable room windows, results in its siting being constrained and this location which achieves the desired separation distances is the most appropriate. Its proximity to other affordable homes within the development would not be a reason to justify refusal. Furthermore, the provision of 1 car parking space per unit is consistent with the Council's car parking standards for 1 bedroom units.

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and the applicants, through the submission of amended plans, have demonstrated a concerted effort to achieve a well-designed scheme that respects the existing built form.

Impact on neighbouring amenity

The NPPF notes at paragraph 17 that: “Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning (amongst others) should:

- always seek... a good standard of amenity.”

The SYRDG further advocates that a common minimum rear garden or amenity space distance of about 10 metres in depth.

The proposed residential units on this phase of development comprise of a mixture of 1, 4 and 5 bedroom dwellings and 2 bedroom apartments which are 2, 2.5 and 3 storeys in height. The site is located immediately to the south of properties along the existing Greenway, which consist of 2 and 2.5 storey dwellings. Separation distances between the existing and proposed built form vary along the length of the greenway, however maintain the minimum separation distances of 12m between habitable room windows and blank elevations and 21m between habitable room windows. These distances, together with the comparable scale of the proposed units is considered to be acceptable and will not have an unacceptable impact on the living conditions of existing residents. An objection has been received relating to the siting of Plot 386, being in close proximity to the existing property (41 Wensley Road). It is acknowledged that there are habitable room windows in this elevation at first and second floor, however these are predominantly secondary windows as existing windows to the kitchen dining room and bedrooms exist in the front and rear elevations. Notwithstanding this, the proposed property is located approximately 14m from No 41 Wensley Road and given no primary habitable room windows exist in this elevation, the separation distance exceeds the minimum 12m required by the South Yorkshire Residential Design Guidance. A refusal on this basis could therefore not be substantiated.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 47sqm for 1 bed properties, 62sqm for 2 bed properties and 93sqm for 4 bed properties. No guidance is available for 5 bed properties. All of the house types proposed have been designed to adhere to these space standards and each dwelling will have private rear gardens with the exception of the apartments and quarter house, however these are located within close proximity to the proposed open space adjacent to Highfield Lane, in addition to those in existence in early phases of development and the wider open space adjacent the lakes. Adequate space about dwelling distances have also been achieved in line with the guidance in order to ensure that amenity value is high for residents with no potential for overshadowing or loss of privacy.

Having regard to all of the above and on balance, it is considered that the amended layout and proposed dwellings would conform with the advice guidance set out in the SYRDG and paragraph 17 of the NPPF.

Compliance with the Master Plan Development Framework and Principles Document and Design Code

The Master Plan Development Framework and Principles Document was submitted and subsequently approved to replace the previously approved Design and Access Statement under ref: RB2014/0775. This document clarifies the changes proposed to the next phase of development and explains how it ties in with the wider new community scheme. Included within this document is a chapter providing details of land use, which states that *'the development will provide a mix of dwellings in terms of size and tenure to meet local needs. The overall indicative mix for private market dwellings will include 1 and 2 bed apartments through to 4 and 5 bed family houses. The mix responds to local market conditions as well as achieving a development appropriate and responsive to the immediate context'*. The proposed development at Phase 1I includes a mix of house types in accordance with this requirement, including 2 bed apartments and 1,4 and 5 bed houses.

Other chapters include details on 'Massing' and 'Character Areas'. This Phase of development falls within the Highfield Spring (South) character area which identifies the density of this area to be between 30 to 35 dwellings per hectare and confirms that *'The existing density of 30-35dph and predominately 2 storey, detached and semi-detached properties will be continued across Highfield Spring.'*

The development proposes a total of 105 residential units on a site extending to approximately 4.4ha, which equates to 28 dwellings per hectare, marginally below the agreed density range established in the Masterplan Development Framework. The cause of this lower density is partially down to the irregular shape of the site in that it narrows significantly and results in a number of houses having larger than average garden areas. Additionally easements running from Highfield Spring to the proposed area of open space render areas of the site undevelopable. Having regard to this and on balance it is considered that that the density is considered acceptable in this instance.

The height of the proposed units range from 2 to 3 storeys in height, with the 3 storey apartment block being located on the Stephenson Way/Highfield Spring junction and a number of 2.5 storey semi-detached dwellings located around the Highfield Spring/Highfield Lane intersection. The use of these units assist in the provision of this primary frontage as required by the Masterplan Framework document and as such creates a strong perimeter structure. The use of two and two and a half storey dwellings between these blocks also falls within the remit of the masterplan framework document.

The design code for this phase of development was submitted in response to the requirement of Condition 3 of the outline approval (RB2015/1460). This document provides a set of parameters which any detailed design proposal within these phases must adhere to. It sets out essential elements that must be delivered to

implement the masterplan and are intended to be a mechanism to coordinate the implementation of different elements within the development and provide a framework for the entire site.

The applicants have prepared a design and access statement which amongst other things sets out how the development accords with the rules and parameters set out in the Design Code. As previously stated the proposed layout incorporates a primary frontage and respects the character of the Greenway. The layout also responds to the requirements in the code with respect to building lines, scale, architectural style, materials, boundary treatment and street widths.

Additionally, the layout identifies different street types including the use of landscaping features and pedestrian links as identified in the Design Code. The street scenes and separation distances between residential dwellings accord with the parameters of the approved Design Code and use of strong frontages along the Highfield Spring/Lane ensure that the proposed development is in full compliance with the rules and parameters of the approved Design Code for this Phase of development and the overriding Master Plan Development Framework and Principles Document.

Highway Safety and Transportation Issues

A Transport Assessment (TA) was submitted in support of the original outline application which analysed traffic movements associated with the proposed new community on the local and strategic network and set out trigger points for improvements to various junctions around the site. The TA demonstrated that all existing and proposed junctions will operate safely whilst there is sufficient capacity within the network to accommodate any traffic generated by the proposals and these findings are accepted. It is therefore considered that the proposals would not result in harm to highway safety, subject to conditions.

A Travel Plan was submitted and subsequently approved as part of the outline planning application. This includes a range of measures to be incorporated into the overall design to encourage the use of sustainable modes of transport. It seeks to:

- Employment of a Travel Plan Coordinator
- Provision of Real Time Information Systems in apartment blocks and strategic locations across the site.
- Provision of Car Club facilities (min 2 cars) within the site and free membership for all occupants for the first year of their occupation.
- Prior to the completion of 600 dwellings provision of a scheme enabling residents to book use of free bicycles. A minimum of 20 bicycles will be provided in the first instance.
- Travel Packs shall be issued to residents on the purchase of homes at the site.
- Subsidised Bus Fares - On first occupation each household to receive free an annual SYPTTE Developers Travel Mastercard

It is considered that these proposals are acceptable, and should be subject to monitoring and review, in order to ensure their effectiveness and identify any further action/measures.

Turning to the issue of car parking provision, all properties have in curtilage provision in the form of driveways and integral or detached garages with the exception of the apartment block and quarter house which provide parking courts, allocating 1 space per unit, consistent with the Council's minimum standards for 1 and 2 bedroom units.

In general, the site has good access to public transport and local facilities, having bus stops located directly to the south west of the site on Highfield Spring and whilst not forming part of this application, the landowner, Harworth Estates have indicated that a pedestrian access will be formed from the site, over the drainage channel to Highfield Spring for ease of access. Additionally, residents have the benefit of taking advantage from measures within the Waverley Travel Plan which seeks to promote more sustainable travel.

Taking all of the above into consideration, it is considered that this proposed reserved matters application has had regard to the principles approved as part of the outline permission and the proposed layout has been designed in accordance with the guidance set out in the South Yorkshire Residential Design Guide. For these reasons it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with UDP Policy T6 and policies with the NPPF.

Flood Risk and Drainage

An Outline Surface Water Strategy Report was submitted as part of the outline application for the entire Waverley site and a Flood Risk Assessment Report has been submitted in support of this Reserved Matters application.

This Report has been prepared to address a condition of the outline permission which requires the development to be carried out in accordance with the approved Outline Surface Water Strategy. The report confirms that the site falls within land assessed as having less than a 1 in 1000 annual probability of river or sea flooding in any year (less than 0.1%), therefore all uses of the land are appropriate within this zone but an assessment of the effect of surface water run-off will need to be incorporated in any Flood Risk Assessment.

The Report also notes that a field drain is located within the development parcel adjacent to Highfield Spring, which forms the southern boundary. This field drain flows in a south easterly direction towards Highfield Lane roundabout and is open channel for its entire reach through the development parcel. The channel and banks of the field drain are predominately V-shaped, creating a potentially large storage capacity. This storage capacity combined with a shallow depth of approximately 15cm with a very low flow rate and the development parcel being raised approximately 2m above the field drain means the risk of flooding from this field drain is deemed to be low.

Taking the above into account, it is considered that the risks of flooding to the site have not changed from those identified within the original FRA. All new properties within Phase 1I will be set a minimum of 150mm above adjacent finished ground levels as stated within the approved FRA and required by a condition of the outline approval.

Having had regard to the above, it is considered that the reserved matters proposal satisfactorily conforms with the detail set out in the original Outline Surface Water Strategy and its later addendums as well as advice contained within the NPPF.

Landscaping, Green Infrastructure Provision and Ecology

The NPPF advises at paragraph 117 that: *“To minimise impacts on biodiversity and geodiversity, planning policies (amongst others) should:*

- *promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.”*

Core Strategy Policy CS20 ‘Biodiversity and Geodiversity’ states: *“The Council will conserve and enhance Rotherham’s natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species. Priority will be given to: (amongst other things)*

c. 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;

l. Ensuring that development decisions will safeguard the natural environment and will incorporate best practice including biodiversity gain, green construction, sustainable drainage and contribution to green infrastructure.”

The landscape proposal for the development has been designed in accordance with the content of the Design Code which states *‘High quality surface materials should be used to enhance public realm and encourage pedestrian activities. Hard and soft landscaping treatment and tree planting should be used where appropriate.’*

In this regard a landscaping masterplan supports the application which shows an area of open space adjacent to Highfield Lane, on an area of the site which is undevelopable due to the Handsworth Beck easement. This area is proposed to have a grassed floor plate, akin to a village green with semi mature and extra heavy standard trees planted around the perimeter and within the area itself. Proposed ornamental shrub planting will supplement the trees around the perimeter and a footpath from Highfield Lane to the new estate road will allow pedestrian access. The open space will be overlooked by a number of proposed properties ensuring that natural surveillance will be achieved.

The layout of the scheme also respects the existing Greenway which is located directly to the north of the site; this currently acts as a well-used pedestrian and cycle way linking Highfield Lane with Stephenson Way. Many of the proposed properties have been orientated to front on to this important link; however where this has not been possible due to the narrow width of the site a landscaping buffer has been proposed which will comprise of extra heavy standard trees and ornamental shrub planting which will give a feeling of openness when travelling along the Greenway. Footpath links from the proposed development onto the Greenway have

also been included into the scheme to allow ease of access between the existing and proposed built form whilst also allowing access onto the Greenway itself.

It is noted that no landscaping is proposed along the Highfield Spring frontage, other than the planting within front gardens, however the site is set back from the highway due to the location of an open drainage channel which runs parallel with Highfield Spring. This consists of a grassed ditch which is screened from view by a semi mature laurel hedge located at the back edge of the footpath. It is therefore considered that sufficient landscaping exists outside of the red line boundary to provide a well thought out landscape scheme which enhances the built development when viewed from this public vantage point.

The Council's landscape architect has assessed the proposals in line with the requirements of the Design Code and is happy that the proposal is in accordance with the document. It is therefore considered that the proposal is acceptable in terms of landscaping.

Turning to the issue of management and maintenance, there is a requirement under the outline S106 agreement to establish a management company to maintain all areas of open space within Waverley New Community. This has been established by Harworth Estates as the main landowner and will fund a maintenance regime for the landscaping features spaces within Phase 1I.

Having regard to the above, it is considered that sufficient landscaping and green infrastructure has been proposed within this phase of the development to contribute to the appearance of the proposed development and its appearance within the Waverley development as a whole.

Turning now to the ecological impact of the proposed development, the original outline application was accompanied by an Environmental Statement and a full Environmental Impact Assessment was carried out. The report considered the key environmental impacts including the impact of development on ecology and biodiversity. In addition to the Ecology Assessment, the applicant also submitted a Biodiversity Action Plan and an Ecological Management Strategy. The Ecological Assessment described those habitats and species present on and adjacent to site and assessed the impacts on those habitats to be created through the restoration proposals. The baseline conditions relating to habitats and species were identified through desktop surveys of national and local databases and from field surveys.

The checklist accompanying the reserved matters application is a validation requirement and has been completed by the same consultant who prepared the ecological information for the outline application. This checklist confirms that breeding bird and reptile surveys have been carried out on an annual basis since 2012 and monitoring surveys for breeding birds, bats, brown hare and wintering birds are currently underway. Furthermore, an ecological clerk of works will be appointed to undertake checking surveys prior to commencement and during peak breeding/dispersal periods.

Having regard to the above, it is considered that adequate safeguards are to be put in place and sufficient information is available in the form of annual surveys which review species and habitat and as such the development is not considered to have an unacceptable impact on ecology in accordance with guidance contained within the NPPF.

Geotechnical & land Contamination Issues

The NPPF notes at paragraph 120 that: *“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”*

The NPPF further advises at paragraph 121 that; *“Planning policies and decisions should also ensure that:*

- *the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;*
- *after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*
- *adequate site investigation information, prepared by a competent person, is presented.”*

The application is accompanied by Ground Conditions and Foundations Options Reports, these reports detail the site’s history of open cast mining and later compaction work and settlement data. It then goes on to consider contamination in the context of future development.

Having regard to the ground conditions, the aforementioned report states that *‘The central and southern area of the site comprises backfilled opencast working that has been subject to up to 40m of surcharging for a period of up to 6 years. Settlement monitoring data available together with the results of the loading tests and inundation tests carried out on the adjacent Waverley Community site where less surcharge was placed for a shorter period of time has been considered when evaluating the development potential of this part of the site. Considering this data, it is concluded that the formation should be capable of supporting shallow foundations for reasonable sized and loaded structures. Design specific to the nature and tolerances of the individual structures will be required and the geotechnical properties established by the adjacent loading tests should provide a conservative approach.’*

Turning to land contamination the report confirms that there are no development constraints associated with soil contamination in the central and southern part of the site. Mitigation measures to counteract the potential for ground gas seepage should however be adopted. The Council’s Land Contamination Officer has been consulted on the application and whilst no objections to the proposed development are raised, she confirms that additional information is required in the form of a Phase II Intrusive Site Investigation to enable a full assessment of proposed mitigation measures. It is considered that a condition to this effect will allow for a full assessment of these measures to take place, in accordance with the provisions of the NPPF.

Affordable Housing

The application includes the provision of 10% affordable housing, which is consistent with the outline consent for this phase of development (up to 915

dwelling) and equates to 10 units consisting of 6 no. 2 bedroom apartments and 4 no. 1 bedroom dwellings. All of the units will in the first instance be offered to a Registered Social Landlord for social rent, however if it is the case that the Registered Landlords are unwilling to take the apartments then a commuted sum can be paid instead which would be set at 40% open market value. The size, siting and tenure of the housing is acceptable and is considered to be in accordance with the Councils Affordable Housing IPS.

Planning Obligations

Paragraph 204 of the NPPF notes that: "Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development and
- fairly and reasonably related in scale and kind to the development.

In this instance the planning obligations and their associated trigger points for their delivery were set as part of the approved outline permission (ref: RB2008/1372). These included the affordable housing provision, financial contributions towards education provision, delivery of green infrastructure and play areas, public transport and sustainable methods of travel.

The trigger points for many of the obligations are not met by the delivery of Phase 11 of this development (bringing the total number of dwellings with detailed planning consent to 866) and in accordance with clause 7.11 of the original agreement, the legal agreement attached is to proportion as appropriate the obligations, covenants and rights equitably between the Land and the area disposed of and requires the provision of the following:

- 10% affordable housing provision (Phase 1 of the development),
- provision of a Travel Card for each household
- payment of £5.04m towards construction of School 1 upon occupation of 750 dwellings (expected to be triggered in May 2018 based on current occupation rates)

These obligations are in full compliance with the original S106 which were considered acceptable when the application was presented to Members of the Planning Board in January 2010.

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 are therefore considered to be acceptable and in full compliance with the requirements of the original S106 Agreement.

Conclusion

The principle of residential development on this site has been established under outline permission RB2008/1372, and renewed under RB2014/0775 and RB2015/1460 and is considered to be acceptable.

The overall layout of the site offers an acceptable balance between achieving an efficient use of the land available as recommended in the NPPF whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. The design of the proposed scheme as a whole is considered to have regard to the approved Masterplan Framework and Principles Document and the Highfield Spring (South) Design Code whilst taking account of later phases of development.

A variety of house types and sizes have been provided with an appropriate level of affordable housing provision. The applicants have also specifically designed certain areas to create a varied street scene and utilised the use of effective boundary planting where appropriate.

There are no objections to the proposals from the Council's Transportation Unit. Internal layout geometries have been set out in accordance with the South Yorkshire Residential Design Guide and Manual for Streets. The provision of Travel Master Passes and the implementation of a Travel Plan will ensure varied means of non-car mode travel is available to future residents.

The application site is not located within a Flood Zone. A comprehensive Flood Risk Assessment and Surface Water Drainage Strategy were submitted and approved as part of the outline approval and an addendum was submitted in support of this current application. A number of conditions regarding the submission of further details of foul and surface water drainage are to be attached to any permission.

In terms of the landscaping within the site, the applicants have submitted a landscaping proposal to accompany the application. There are no objections to the proposed planting schemes.

The applicants have indicated that they intend to provide 10% affordable housing units (10 in total) across this phase of the development and have indicated that these will be in the form of 1 and 2 bed units. This is in line with the approved percentage for the first phase of the wider development.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 3, 7, 11, 14, 20 & 21 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 3, 7, 11, 14, 20 & 21 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) except as shall be otherwise agreed in writing by the Local Planning Authority.

- Red Line Plan - Ref: 344-RL-01
- Planning Layout - Ref: 344-001 N
- Coloured Planning Layout - Ref: 344-001 M
- Materials Plan – Ref: 344-003 C
- Phase 1I Landscaping Plan - Ref: R-1855-2E
- Flood Exceedance Layout for Area 1I - Ref: 873/36/10.01 A
- Apartment Block Plans, Elevations & Entrance CGIs - Ref: FD-01)
- Quarter House Planning Drawing – Ref: 344.00.02 B
- Kinnersley Contemporary – Ref: 344-PD-21
- Windsor Contemporary – Ref: 55-344-13
- Settle Contemporary – Ref: 56.284.13
- Settle V1 Contemporary – Ref: 56.344.13
- Settle V1 Contemporary (Plot 361) – Ref: P361.344.13
- Buxton Contemporary - Ref: 85.344.13
- Salcombe (V1) Contemporary – Ref: 07-344-13
- Warkworth Contemporary – Ref: 61.284.13
- Warkworth Contemporary Plot 360 – Ref: 61.P360.13
- Kenilworth Contemporary – Ref: 30.284.16
- Dunstanburgh Contemporary Plans and Elevations - Ref: 31.344.13
- Edlingham Contemporary Plans and Elevations – Ref: 04.344.13
- Street Scenes – Ref: 344-PD-10 B
- Plot 1I Access Stephenson Way Extension General Arrangement – Ref: A042756-34-21-C-H.01.01 Rev P1
- Site Sections – Ref: 344/SS01 A

Reason

To define the permission and for the avoidance of doubt.

03

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include the construction of a sample panel on site to include the correct colour mortar and window frames. The development shall be carried out in accordance with the approved details.

Reason

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

04

The windows on the north eastern elevations of the apartment block, Plots 360 and 361 shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

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

TRANSPORTATION

05

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

06

Before the development is brought into use the car parking areas shown on the site layout plan Ref: 344-001 M shall be provided, marked out and thereafter maintained for car parking.

Reason

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

07

Before the development 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 implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

08

All garages hereby permitted shall be kept available for the parking of motor vehicles at all times.

Reason:

In order to ensure that adequate parking provision is available and to minimise on-street parking, in the interests of visual amenity and highway safety.

DRAINAGE

09

The development hereby approved shall be carried out in accordance with the Flood Risk Assessment Addendum dated April 2016 by ARP Associates.

Reason

In the interest of satisfactory and sustainable drainage.

10

Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, shall be submitted to and approved in writing 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'.

GROUNDWATER / CONTAMINATION AND GROUND CONDITION

11

Prior to the commencement of development a Phase II Intrusive Site Investigation shall be submitted to and approved in writing by the Local Planning Authority. The Investigation shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 -4) and be undertaken by competent persons and a written report of the findings must be produced.

Reason

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

12

Subject to the findings of the Phase II Intrusive Site Investigation and prior to the commencement of any remediation works, a Remediation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Remediation works shall be carried out in their entirety under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

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

13

Following completion of any remedial/ground preparation works a Validation Report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the validation report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all validation data has been approved by the Local Planning Authority.

Reason

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

14

Prior to the commencement of development details of gas protection measures comprising:

- a) a cast in situ floor slab with a lapped and taped minimum 1200g membrane (reinforced); or
- b) a beam and block or pre cast floor slab with a lapped and taped minimum 2000g membrane; and
- c) under floor venting in combination with either of (a) or (b) above
- d) All joints and penetrations should be sealed

Shall be submitted to and approved in writing by the local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that risks from land contamination to the future users of the land and neighboring 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. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

15

Installation of the gas protection measures approved as a result of condition 14, shall be verified by an independent third party and a validation report is to be forwarded to this Local Authority for review and comment.

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. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

16

If subsoil and topsoil imported to site for landscaping works and garden areas, then these soils shall be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. If materials are imported to the site then the results shall thereafter be presented to the Local Authority in a Validation Report.

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. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

17

If during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out in the vicinity of the impact until the development has submitted and obtained written approval from the Local Planning Authority for a strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

ENVIRONMENTAL

18

Throughout the construction phases of development and except in cases of emergency, no operation that is likely to give rise to noise nuisance or loss of amenity shall take place on site other than between the hours of 0730 to 1800 Monday to Friday and between 0800 to 1300 on Saturdays.

Operations which give rise to noise nuisance shall not be carried out on Sundays, Public Holidays or outside normal weekday working hours. 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 shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

19

Throughout the construction phases of development all machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the best practicable means shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

LANDSCAPE & ECOLOGY

20

Prior to the commencement of development a biodiversity mitigation statement, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The statement should include details of all measures given in the Waverley Ecological Checklist – Pre Work Assessment for Housing Development Phase 1I (06.05.2016) and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

In the interest of biodiversity at the site in accordance with Policies in the NPPF.

21

Prior to commencement of development, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

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

The scheme shall thereafter be implemented in accordance with the approved landscape scheme within a timescale agreed, in writing, by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the

Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

22

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. 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', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

Informative(s)

Coal Authority

The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent Building Regulations application. Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.gov.uk

Yorkshire Water

Restrictions on surface water disposal from the site may be imposed by other parties. You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site. The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.

POSITIVE AND PROACTIVE STATEMENT

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