

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE  
11 MAY 2017**

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**REPORT TO THE PLANNING REGULATORY BOARD  
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**The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.**

<b>Application Number</b>	<b>RB2016/1130</b>
<b>Proposal and Location</b>	Extension to existing hotel to provide ground floor reception plus ancillary gym and spa treatment area, 29 No. additional guest rooms to 1st and 2nd floors along with 3rd floor loft storage space and undercroft parking for 10 no. vehicles at Lowton Way, Hellaby, Rotherham S66 8RY
<b>Recommendation</b>	Grant Conditionally

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



**Site Description & Location**

The application site is approximately 0.5 hectares in area and is located on the existing Hellaby Industrial Estate adjacent to the embankment of the M18 motorway and is accessed via Lowton Way. To the north is a bank of mature conifer trees with the southern boundary demarked by an adjacent industrial building. The existing motel comprises of two elements, the first being a single storey rendered and concrete tiled roof facilities block of approximately 272sq metres floorspace which

internally provides reception / office / bar / restaurant and meeting space. At the rear of this building is a courtyard providing open storage area with a metalled storage container located beyond.

The second element provides guest room accommodation of 52 rooms and is a two storey building, again constructed of render with concrete tiled roof with timber and glazed inserts providing room access. Access at first floor level is obtained externally from external timber balconies via an open staircase sited centrally on the building.

A total of 53 no. car parking spaces and associated hardstanding areas are provided to the front and side of the existing buildings.

## **Background**

RB1990/1559 - 51 bedroom hotel, 2 storey bedroom block, single storey reception/restaurant & 53 car spaces – Granted conditionally 26/11/90.

RB1992/0029 - Display of illuminated hotel signs – Granted 19/02/92.

## **Proposal**

The application seeks permission to extend the existing hotel with the construction of a four storey additional accommodation block and was originally submitted to comprise of the following:

### Ground Floor

10 no. space under-croft parking.

Reception & Admin area.

A spa and gym suite (providing new facilities for the guests during the evening and provide gym facilities for the businesses / residents in the surrounding area during the daytime).

### First & Second Floors

Additional accommodation totalling 29 No. rooms (mixture of family, deluxe and executive) and staff facilities and storage.

### Third Floor

Open event space.

The application has been amended during the course of determination and now removes the proposed third floor open event space, replacing this with a storage facility, with a further part of it being a maintenance space for repairs and tool storage only.

The application form indicates that there is no proposed changes to operational hours, these being currently Monday to Sunday between the hours of 07:00 and 11:00, and in terms of employment opportunities will increase full-time employees by an extra person (total 5) with part-time staff increasing by an extra person (total 10).

The application has been accompanied with the following supporting documents:-

### Design & Access Statement (DAS):

This notes that the proposal will utilise an un-used patch of brownfield land and allow the hotel to expand and grow providing new facilities and attract more business so as to form an overall refurbishment scheme and will enable modernisation of the whole site, upgrading the existing rooms to match the new and providing a minimum of 1 No. parking space per room both in the under-croft and elsewhere within the site. The submitted layout plan indicates a total of 83 parking spaces.

The DAS further advises that the site is currently a budget hotel, with aspirations to provide a higher level of accommodation providing new facilities for guests during the evening and gym facilities for businesses / residents in the surrounding area during the daytime in-line with competing hotel chains and thereby appealing to executives and families seeking affordable, clean, modern accommodation.

The DAS outlines that the proposed extension would be constructed in materials to match that of the existing i.e. through colour render with cedar timber cladding to the walls, concrete tiled roof and double glazed uPVC or aluminium windows.

The DAS notes that the site is well located next to the motorway and the extension would not cause any negative impact on the amenity of neighbouring units or area, and will provide more jobs both during its construction and after with maintenance and general duties running the hotel and gym.

The DAS concludes that the location of the site and the nature of its business will add to the economic growth of the area.

### Sequential Assessment (SA):

A sequential report undertaken to assess the proposal in relation to the requirements of both local and national planning policies was originally submitted with the application. However as a hotel is classed as leisure and the proposal is considered to be an out of centre location this was deemed inadequate owing to the fact that its content had not fully assessed / appraised and discounted what alternative sites were available to demonstrate the expansion of this site.

A supplementary Sequential Assessment has been received based solely upon the creation of the additional 29 rooms rather than the potential total of 81 rooms. An assessment of 11 sites in the Bramley, Wickersley, Maltby and Thurcroft areas concludes that there are no sequentially preferable sites available, and the proposal should not be seen as competing with any businesses within the identified local centres.

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

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'  
CS9 'Transforming Rotherham's Economy'  
CS11 'Tourism and the Visitor Economy'  
CS12 'Managing Change in Rotherham's Retail and Service Centres'  
CS14 'Accessible Places and Managing Demand for Travel'  
CS21 'Landscape'  
CS25 'Dealing with Flood Risk'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

EC3.2 'Land Identified for Industrial and Business Use'  
EC3.3 'Other Development within Industrial and Business Areas'  
ENV3.2 'Minimising the Impact of Development'  
ENV3.7 'Control of Pollution'  
ENV4.4 'Contaminated Land'

### **Other Material Considerations**

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

Joint Sheffield and Rotherham Retail and Leisure Study 2017.

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

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

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

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

### **Publicity**

The application has been advertised by way of site notice and individual neighbour notification letters. No letters have been received from adjacent occupiers whilst Hellaby Parish Council have no specific comment to make on the application.

### **Consultations**

RMBC - Transportation and Highways Design – Raises no objections to the proposal from a highway aspect subject to the imposition of conditions in respect of surfacing of areas to be used by vehicles and car parking area shown on the submitted plan being provided, marked out and thereafter maintained for car parking.

RMBC – Drainage – Raises no objections to the proposals on flooding or drainage matters subject to the imposition of conditions in regards to a surface water drainage scheme being submitted, and any contaminated surface water being passed through effective oil/grit interceptors.

RMBC - Landscape Design – Raises no objections to the proposals.

RMBC – Ecologist – Does not consider there will be significant impacts on ecology.

RMBC - Environmental Health – Considers that there is potential disamenity from noise from the road traffic on the M18 and noise and dust from the proposed building alterations whilst the existing hotel would remain operational. A condition is recommended to ensure suitable sound attenuation within the building envelope, with a further informative advising of controls of working practice during the construction phase.

RMBC – Air Quality - Raises no objections to the proposals.

RMBC - Land Contamination – Does not anticipate there will be any risks to human health from contaminated land but in the event unexpected contamination is identified then conditions are recommended.

Severn Trent Water – Has no objection to the proposal subject to a condition in respect of a surface water drainage scheme being submitted.

Highways England - Raises no objections to the proposal.

South Yorkshire Fire Safety – Suggest appropriate informative be imposed with regards to access for fire appliances shall be in accordance with Approved Document B Volume 2 Part B5 Section 16.2 -16.11 and Table 20 and water supplies shall be provided in accordance with Approved Document B Volume 2 Part B5 Section 15.

South Yorkshire Police (Architectural Liaison) – No objections but recommendations made regarding security of specific elements of the development and in relation to 'Secured by Design' advice and an informative is sufficient to deal with these security issues as advisory information to the applicants.

## **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 development
- Layout and design
- Transportation issues
- Drainage and flood issues
- Landscape and ecology
- General amenity issues

### The principle of development

Core Strategy Policy CS1 'Delivering Rotherham's Spatial Strategy,' aims to place new development within Rotherham's urban area and at Principal Settlements for Growth. At Principal Settlements and Local Service Centres development will be appropriate to the size of the settlement, meet the identified needs of the settlement and its immediate area and help create a balanced sustainable community by making the best use of key transport corridors, existing infrastructure, services and facilities to reduce the need to travel so as to ensure that wherever possible communities are self contained.

Core Strategy Policy CS9 'Transforming Rotherham's Economy,' seeks the protection of viable employment sites and supporting the regeneration and intensification of previously developed land, including proposals which safeguard the viability of established industrial and business areas through improvements to buildings, infrastructure and the environment.

Core Strategy Policy CS11 'Tourism and the Visitor Economy,' additionally seeks to support development proposals for (amongst others) hotels and conference centres in appropriate locations and which attract investment to the local area and increase job creation.

UDP Policy EC3.1 'Land Identified for Industrial and Business Uses,' further seeks to retain land predominantly for Industrial and Business Uses (i.e. Classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order, 1987 (as amended)), and therefore as this application seeks an extension to a non-business use is in conflict with this policy.

UDP Policy EC3.3 'Other Development within Industrial and Business Areas,' does, however, state other developments will be acceptable on such sites subject to no adverse effect on the character of the area or on residential amenity, adequate arrangements for the parking and manoeuvring of vehicles associated with the proposed development and compatibility with adjacent existing and proposed land uses, where such development can be shown to be ancillary to the primary use of the area, or would provide significant employment and it can be shown that:

- (i) there are no suitable alternative locations available for the proposed development,
- (ii) no land-use conflicts are likely to arise from the proposed development, and

(iii) the proposal significantly increases the range and quality of employment opportunities in the area.

In assessing the proposal against each of the above, it is considered that there would be no adverse effect on the character of the area which is a mix of business / commercial in nature; there would be no adverse effect on residential properties as none are within the vicinity; it is considered that there is adequate parking and manoeuvring areas and that the proposal would be compatible with surrounding land uses. It is further considered that the proposal could be considered ancillary to the use of the area, and it is proposed that a further 1 full time and 1 part time jobs would be created both through construction and occupation. The proposal therefore complies with parts (ii) and (iii) of the above policy.

Additionally of further note is the advice in paragraphs 17 and 11 to the NPPF which encourages the effective use of land by reusing land that has been previously developed (brownfield land).

The supplementary Sequential Assessment is required under part (i) of the aforementioned policy as well as that under Core Strategy Policy CS12 'Managing Change in Rotherham's Retail and Service Centres,' and the NPPF. The policy requirement indicates that town centre uses, which include hotels and conference facilities, are subject to a hierarchy of appropriate (town, district and local) centres.

In addition, as set out under Core Strategy Policy CS12, a further impact assessment on existing, committed and planned public and private investment in centres in the catchment area of the proposal, as well as a further localised impact of the proposal on the vitality and viability of centres, should be undertaken where a hotel use outside of a designated centre has a proposed gross floorspace that exceeds 500 sq metres.

In assessing such issues the submitted Sequential Assessment identifies a previously agreed catchment area of 5km which includes areas of a comparable site in Bramley, Wickersley, Maltby and Thurgroft that could accommodate a 28 bedroom hotel. Within this locality some 11 sites have been identified and have been discounted by the applicant as being not available, suitable or viable.

Following consultation with officers, it is accepted that there is no evidence of planned investment of the uses proposed within other centres within the catchment area assessed. Although there are several hotels in the nearby area, none are within a defined town, district or local centre and therefore the conclusions are accepted that the proposal would not have any detrimental impact on planned investment in the centres.

In impact terms, the key centre to consider is Maltby town centre. The recently undertaken 2017 Joint Sheffield and Rotherham Retail and Leisure Study concludes Maltby to be of average health but with above average vacancies. The sequential test has established the lack of alternative, sequentially preferable sites for the proposal within or on the edge of the centre to the point wherein it would not prejudice the delivery of an alternative scheme on a more sequentially preferable site; given the alternative sites available any scheme would be expected to be of a different scale and character to the proposed development and it is therefore considered that the proposal would not have an unacceptable impact on the vitality and viability of Maltby or other centres within the catchment area.



On the matter of the applicant's comment as contained in the DAS which seeks to compete with other hotel chains by providing a new spa / gym facility for guests during the evening, this would be acceptable being of an ancillary nature to the overall proposed development.

As such, it is considered that the proposal accords with Core Strategy Policy CS12 'Managing Change in Rotherham's Retail and Service Centres,' UDP Policy EC3.3 'Other Development within Industrial and Business Areas,' as well as the advice contained within the NPPF.

### Layout and design

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

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

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

The overall layout has been designed around the existing access point of Lowton Way and the current buildings which are to be retained along with the site constraints of existing landscaping and adjacent buildings. Whilst the position of the new extension is proposed to encroach into the area at the base of the current M18 motorway embankment, having been turned through 45 degrees to the existing building and providing an 'end stop' to the site and would potentially involve the removal of a few but poor quality trees to achieve this, it is not however considered in overall layout terms that the proposal will unduly affect the character and quality of an area and the way it functions to an unacceptable degree.

In design terms, the extension proposes to utilise the land levels to full potential by creating the undercroft parking area with the levels of accommodation above being set over three floors, which has to a certain degree been dictated by the potential operational requirements of the scheme in order to make this a more appealing destination.

The overall height at four storeys is acknowledged to be considerably higher than surrounding buildings (including the original), however it is not considered that this represents an unacceptable feature in the locality and along with the suggested materials of rendered blockwork, cedar cladding and concrete roof tiles the schemes external appearance and varied roof forms will help break up the massing of the elevation treatment.

In respect to specific design matters, no major concerns regarding secure by design and Crime prevention at the site are raised, that are not capable of being resolved by the imposition of a suitable informative. These include main entrance doors, Fire Exit doors along with all doors to each bedroom, ground floor and accessible windows should be to Secured by Design standards ([www.securedbydesign.com](http://www.securedbydesign.com)). All parking areas should offer a uniform light, and all entrance and all public areas should be well lit. It is further noted that the entrance from the undercroft parking area should be accessed controlled to discourage casual intrusion by non-members, and all bin storage areas should be secured at all times.

Having regard to the above, it is considered that the scheme has been sympathetically designed taking account of the characteristics and constraints of the site and the character of the surrounding area. Whilst it is acknowledged that the site cannot be seen from public vantage points, it is, however, considered the proposal would improve the visual appearance of this site.

Therefore in light of the above it is considered that the design of the proposal is one that is acceptable and would satisfy the relevant design policies in Core Strategy policy CS28 'Sustainable Design,' and the guidance of the NPPF.

### Transportation issues

Core Strategy policy CS14 'Accessible Places and Managing Demand for Travel,' seeks to locate 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), as well as the use of maximum parking standards for non-residential developments aimed at reducing the number of car trips to and from them.

The NPPF at paragraph 17 seeks to ensure through its twelve principles that planning should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

In access terms, the site is already served off Lowton Way which according to most times of the working day is modestly trafficked and parked upon owing to the surrounding business users. Outside of normal working hours Lowton Way is reasonably clear and unobstructed.

In general parking arrangements terms and in accordance with the Council's maximum Parking Standards (adopted June 2011) such a development would require 1 space per bedroom, plus public drinking/dining areas at 1 space per 3 sq m (n.f.s.) of public area or 1 space per 3 seats with accessible parking bays required in addition to the above to include individual bays for each disabled employee plus 2 bays or 5% of total capacity (whichever is the greater).

With this in mind, at present the site accommodates 1 vehicle per room which equates to 52 spaces with no capacity for staff. In terms of the proposed level of parking for the submitted scheme, again this has been raised proportionately to the total number of rooms i.e. 83 parking spaces, 10 of which would be undercroft to the new extension with the remainder being set externally close to the existing buildings.

In assessing the above matters, the Council's Transportation and Highways Unit raise no objections, noting that 1 space per bedroom is acceptable for all users and that as these are maximum standards this would further include any staff provision. It is further considered that the site is within walking distance of bus stops located upon Bawtry Road and therefore staff could reasonably access the site by other alternative modes of transport. Therefore it is considered that the development represents a sustainable use to which the NPPF seeks to promote. It is, however, considered that the appropriate provision of disabled parking bays should be made, and a condition is recommended that addresses this matter.

With regard to the revision to the scheme, this has been negotiated so as to ensure that the use of the third floor level as an open event space has been removed and replaced for part storage facility and part maintenance (repairs and tools) storage space so as to ensure that highway implications of the proposal are suitably mitigated against. Future control of this area can be controlled by the imposition of a suitable condition attached to any permission granted.

Having regard to the above, it is considered that the proposal is acceptable in transportation terms, subject to the imposition of appropriate recommended conditions with respect to car parking layouts, suitable drainage and surfacing materials and restrictions as to the use of the upper floor, and accords with Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel', and to the guidance of the NPPF.

### Drainage and flood issues

Core Strategy policy CS25 'Dealing with Flood Risk,' aims to support new development which 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.

UDP policy ENV3.2 'Minimising the Impact of Development,' notes that in considering the scale, appearance, nature and location of development and infrastructure proposals, any adverse impact on the environment, including water resources should be minimised.

The NPPF at paragraph 103 further notes that: "When determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment."

The site is identified as falling in flood zone 1 as shown on the Environment Agency's flood risk map (where there is less than a 1 in 1,000 chance of river flooding) and further lies close to the culverted watercourse (Hellaby Brook). The area proposed for the extension is located at the base of the existing motorway embankment wherein there is presence of wetland and possible ponds in this locality.

In assessing the application, the Council's Drainage Engineer notes the potential risk from overland flow, although acknowledges that the Council's river flood zone maps are indicative only and tend to be less accurate for smaller watercourses such as Hellaby Brook. As there is not a requirement for the applicant to undertake a Flood Risk Assessment in this case, and taking account of the limited submitted drainage details, the Council's Drainage Engineer therefore recommends the imposition of conditions requiring the submission of detailed foul and surface water drainage which are considered appropriate to mitigate against the development in accordance with Core Strategy policy CS25 'Dealing with Flood Risk,' UDP Policy ENV3.2 'Minimising the Impact of Development,' and the advice in the NPPF.

### Landscape and ecology

Core Strategy Policy CS21 'Landscape,' requires new development to safeguard and enhance the quality, character, distinctiveness and amenity value of the Borough's landscapes, with landscape works being appropriate to the scale of the development, and developers required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.

UDP Policy ENV3.2 'Minimising the Impact of Development,' further aims to minimise the impact of development in terms of the scale, appearance, nature and location of development.

The NPPF at paragraph 103 seeks that the planning system should contribute to and enhance the natural and local environment.

In assessing such matters the submitted scheme indicates that the majority of the existing northern boundary landscaping is to be retained with the proposed extension requiring the removal of some small trees at the base of the motorway embankment to the west, along with the removal of current grassed areas internally within the site so as to enable the additional car parking requirements. With this in mind although no replacement planting is proposed as part of the scheme, and therefore not in compliance with Core Strategy Policy CS21 'Landscape,' and UDP Policy ENV3.2 'Minimising the Impact of Development,' the Council's Landscape Design service does not consider that the proposal would be harmful so as to make the proposal unacceptable in overall planning terms, bearing in mind its secluded location.

Turning to ecological matters, the NPPF at paragraph 118 notes opportunities to incorporate biodiversity in and around developments should be encouraged. With this in mind the Council's Ecologist notes the location of existing drainage ponds at the base of the motorway embankment along with the loss of trees which will be affected by the proposed development and does not believe overall there will be significant impacts on ecology. It is, however, requested that any trees or shrubs lost are replaced by native broad-leaved species which would be useful along the motorway boundary, partly to act as a biodiversity function and partly as a noise/air quality buffer, as well as the installation of bird and/or bat boxes.

In considering the above, given the constraints of the site, and the location of the proposed development it would be difficult to achieve meaningful planting to mitigate against the loss of those limited trees. A condition is however recommended so as to require the incorporation of bird / bat boxes at the site which would ensure that biodiversity is encouraged in line with the advice within the NPPF.

## General amenity issues

Core Strategy Policy CS27 'Community Health and Safety,' seeks to support development which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities, with new development being appropriate and suitable for its location having regard to factors such as whether proposed or existing development contributes to, or is put at unacceptable risk from pollution, natural hazards or land instability; and considering the impact of existing sources of pollution and the potential for remedial measures to address problems of contamination, land stability or air quality.

UDP Policy ENV3.7 'Control of Pollution,' further seeks to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport.

The NPPF at paragraph 123 seeks to ensure that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

In consideration of the above, taking account of the commercial / industrial nature of the locality, it is not considered that the proposal would be detrimental to adjacent occupiers through noise / disturbance matters.

With regards to the likely impact upon the occupiers of the proposed development from adjacent operations / M18 motorway, the scale of the development as proposed does not automatically trigger the requirements for the submission of a noise or air quality assessments, and in respect to air quality matters, the Council's Air Quality officer raises no objections to the proposed development.

On the matter of noise and disturbance measures, the existing and proposed accommodation is in close proximity to the M18, and the application indicates window specifications include double and triple glazing noting that sound testing within the building can be controlled under the Building Regulations regime once the building had been completed.

However, with respect to likely impacts the Council's Environmental Health officer notes that there is a potential disamenity from noise from the road traffic on the M18 and noise and dust from the proposed building alterations (it is intended that the existing hotel would still be operational whilst works progress) and would only therefore consider the proposal acceptable subject to the recommended condition in respect of acoustic measures and a further informative in regard to the control of working practices during construction.

Subject to the above, it is however considered that the proposal would accord with Core Strategy policy CS27 'Community Health and Safety,' UDP policy ENV3.7 'Control of Pollution,' and the advice within the NPPF.

Turning to contamination issues, UDP Policy ENV4.4 'Contaminated Land,' requires the applicant has undertaken appropriate investigations to establish the nature and extent

of the contamination and its potential effects on the proposed development and/or the occupants thereof, and to what mitigation measures are necessary.

The NPPF notes at paragraph 120 to prevent unacceptable risks from pollution and land instability, planning 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 seeks that planning decisions should ensure the site is suitable for its new use taking account of ground conditions and land instability, including former activities such as pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

In line with the advice as set out under paragraph 111 to the NPPF the proposal represents effective use of previously developed (brownfield land) by re-using land that has been surplus to requirement since permission was originally granted in the 1990's.

No information has been submitted with the application to suggest that past uses of the site would be harmful to the occupiers, and in taking account of the historic nature the site appears to be free from any former industrial usages which could have given rise to significant ground contamination so as to pose a risk to human health and this view is further corroborated by the Councils Contaminated Land officer. It is however noted that in the event of unexpected contamination being identified or subsoils/topsoils being imported to site for use in garden/soft landscaping areas, then the recommend conditions be imposed:

As such it is not considered that in land contamination terms that the proposal would be contrary to Core Strategy policy CS27 'Community Health and Safety,' UDP policy ENV4.4 'Contaminated Land,' as well as the advice within the NPPF.

## **Conclusion**

The development as submitted would create a hotel of 81 bedrooms with ancillary spa/gym facilities in this already established business use locality. Having undertaken a sequential test it has been identified that there are no sites sequentially preferable to the application site.

In regards to employment opportunities the proposal would provide direct and indirect employment opportunities. In layout and design terms the scheme as submitted would improve the visual appearance of the existing site.

It is not considered that the proposal would lead to incidences of flooding in the locality and the site once developed can be adequately drained.

Although only limited opportunities to enhance both landscaping and biodiversity exist, it is not considered in this instance that the development would be harmful to the locality or surroundings.

The scheme is considered to be in a reasonably sustainable location and will not result in an intensification of the site in traffic. On-site parking is in accordance with the Council's standards.

The scheme represents an opportunity to effectively re-use previously developed (brownfield) land which is not considered to be contaminated to the point where occupancy would be harmful, and noise / disturbance from other uses and the adjacent motorway can be controlled by the recommended condition.

With the above in mind, it is therefore recommended that planning permission be granted subject to the following conditions.

### **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **04 and 08** of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers **04 and 08** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

### GENERAL

01

The development hereby permitted shall be commenced before the expiration of five 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)

- Existing site survey – Dwg No. 3397CT/1
- Existing Plans & Elevations - Dwg No. A(00)-01
- Existing Site Location Plan - Dwg No. A(00)-02
- Proposed Floor Plans - Dwg No. A(10)-01
- Proposed Elevations & Perspectives - Dwg No. A(10)-02
- Proposed Site Location Plan – Dwg No. A(10)-03

Reason

To define the permission and for the avoidance of doubt.

## DRAINAGE

03

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

Reason

To prevent pollution of any watercourse in accordance with Core Strategy policy CS25 'Dealing with Flood Risk,' UDP policies ENV3.2 'Minimising the Impact of Development,' and ENV3.7 'Control of Pollution'.

04

No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, have been submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

Reason

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

## 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

Notwithstanding the submitted parking layout plan, a revised parking layout plan shall be submitted to the Local Planning Authority. Parking spaces shall be a minimum of 5m x 2.5m with a minimum 6m wide aisle, and a minimum of 5 disabled spaces shall be provided, 6m x 3.6m, all as otherwise agreed in writing with the Local Planning Authority. The approved scheme shall be provided and marked out before the development is brought into use and thereafter retained/maintained.

Reason



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

## LANDSCAPING / BIODIVERSITY

07

No tree shall be cut down, uprooted or destroyed nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

### Reason

In the interests of the visual amenities of the area and in accordance with Core Strategy CS21 policy 'Landscape,' and UDP policy ENV3.2 'Minimising the Impact of Development'.

08

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. This shall be positioned in accordance with details 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/shrubs are protected during the construction of the development in the interests of amenity and in accordance with Core Strategy CS21 policy 'Landscape,' and UDP policy ENV3.2 'Minimising the Impact of Development'.

09

No development shall take place above ground level until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is first brought into use.

### Reason

In the interests of the visual amenities of the area and in accordance with Core Strategy policies CS21 'Landscape,' CS28 'Sustainable Design,' and UDP policy ENV3.2 'Minimising the Impact of Development'.

10

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

removed or destroyed within five years of planting shall be replaced the following planting season.

#### Reason

In the interests of the visual amenities of the area and in accordance with Core Strategy policies CS21 'Landscape,' CS28 'Sustainable Design,' and UDP policy ENV3.2 'Minimising the Impact of Development'.

11

No development shall take place above ground level until there has been submitted to and approved in writing by the Local Planning Authority details of proposed bat / bird boxes to be installed at the site. The details shall thereafter be implemented and maintained in accordance with the approved details and retained for the lifetime of the development.

#### Reason

So as to maintain biodiversity at the site in accordance with Core Strategy policy CS21 'Landscape,' and UDP policy ENV3.2 'Minimising the Impact of Development'.

### DESIGN

12

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

#### Reason

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

### AMENITY

13

No development above ground level shall commence until a scheme detailing sound attenuation measures against external noise, with windows shut and other means of ventilation provided, has been submitted to and agreed with the Local Planning Authority. The scheme shall ensure an internal noise level of no greater than:

Any single LAeq15mins indoors, shall not exceed 30dB between 2300 and 0700 hours (to protect bedrooms);

LAFMax indoors shall not exceed 45dB between 2300 and 0700 hours (to protect bedrooms).

The approved scheme shall be provided before the development is brought into use and thereafter retained/maintained for the lifetime of the development.

#### Reason

To ensure that the development hereby permitted is not detrimental to the occupants by reason of undue noise from road traffic on the M18 and in accordance with Core Strategy policy CS27 'Community Health and Safety,' and UDP policy ENV3.7 'Control of Pollution.'

14

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and in accordance with Core Strategy policy CS27 'Community Health and Safety,' and UDP Policy ENV4.4 'Contaminated Land.'

15

If subsoils / topsoils are required to be imported to site for garden or soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of 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, and in accordance with Core Strategy policy CS27 'Community Health and Safety,' and UDP Policy ENV4.4 'Contaminated Land.'

## MISCELLANEOUS

16

The third floor open loft storage area as indicated on Dwg No A(10)-01 (Proposed Floor Plans) shall not be used for any purposes other than those outlined in the applicants email of 24<sup>th</sup> October 2016.

Reason

To ensure that no intensification of use occurs and in the interest of highway safety.

## **Informatives**

01

You should 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 serious consideration is given 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, construction 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 construction 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 during construction 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 following South Yorkshire Police Recommendations:

- The main entrance doors, Fire Exit doors along with all doors to each bedroom, ground floor and accessible windows should be to Secured by Design standards ([www.securedbydesign.com](http://www.securedbydesign.com)), with all ground floor glazing laminated.
- All parking areas should offer a uniform light, and all entrance and all public areas should be well lit to BS 5489 standards.
- The entrance from the undercroft parking area should be accessed controlled to discourage casual intrusion by non-members,
- All public areas (including entrance) should be well lit and stairwells should be as bright and open as possible
- All bin storage areas should be secured at all times.

03

The applicant is advised that access for fire appliances should be in accordance with Building Regulations Approved Document B Volume 2 Part B5 Section 16.2 -16.11 and Table 20.

04

The applicant is advised that water supplies for firefighting purposes should be provided in accordance with Approved Document B Volume 2 Part B5 Section 15.

05

The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required.

**POSITIVE AND PROACTIVE STATEMENT**

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.

<b>Application Number</b>	<b>RB2017/0066</b>
<b>Proposal and Location</b>	<b>Erection of dwellinghouse, land to rear 1 The Beeches, Worksop Road, Swallownest</b>
<b>Recommendation</b>	<b>Granted Conditionally</b>

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



## **Site Description & Location**

The application site forms part of the rear garden of No.1 The Beeches, an Edwardian semi detached property located to the rear of properties on Worksop Road at Swallownest. The dwelling is accessed off a shared private drive, which also serves 3 other dwellings as well as a small block of flats that front Worksop Road. The garden area slopes down from the rear of the existing property, and there are further residential properties to the rear of the site on Belgrave Place.

Parking to the host property is to the east of the access road, adjacent to the Aston Customer Service Centre constructed some 5 years ago.

## **Background**

RB2009/0862 - Outline application for demolition of existing dwellinghouses and erection of 4 No. three storey townhouses including details of access, layout and scale - GRANTED CONDITIONALLY

RB2011/0089 - Two storey and single storey front extension, canopy to rear and detached garage on adjacent land - GRANTED CONDITIONALLY

RB2011/1600 - Two storey & single storey front extension, single storey side & rear extension and 2 No. bay windows to rear elevation - GRANTED CONDITIONALLY

## **Proposal**

The application seeks full permission for the erection of a dwellinghouse on land to the rear of No.1 The Beeches. The dwelling will be accessed to the side of No.1 The Beeches, with parking to the host property provided to the east of the access road.

The proposed dwelling has been designed around the change in levels on site, with the front of the dwelling appearing as a bungalow with rooms in the roofspace and the rear appearing as a standard 2 storey dwelling, again with rooms in the roofspace. The dwelling would be 9.2m high at its maximum, 11.7m wide and 11.8m deep at its maximum. The dwelling will have an integral garage to the front elevation and a total of 4 bedrooms.

The applicant amended the scheme following Officer's advice and replaced the gabled roof with a hipped roof. The alteration to the roof also reduced the number of bedrooms from 5 to 4.

The applicant proposes to upgrade the access road known as "The Beeches" from around 3m wide to 4.5m with a 1.8m wide footpath.

The applicant's Design & Access Statement states that:

- Access to the new dwelling is afforded by demolition of the existing out building along the Northern Boundary. A gated driveway runs past the gable end of 1 The Beeches to the new dwelling. Access is also afforded to the shortened back garden to 1 The Beeches through a gate set in the new 2m high fence.

The Dwelling will have higher levels of thermal insulation than as set out in the Building Regulations Part L1A to reduce the CO2 produced and Energy required for Heating.

The general palette of external finishes to be as the existing dwellings to The Beeches, namely Red Brickwork with slate roof and PVCu windows and fascias.

- The existing Site Access is off Worksop Road by the private road named The Beeches which has been present since 1855 when it was named North View. This road previously served the 7 terraced houses and 1-4 The Beeches; a total of 11 dwelling. It presently serves the 4 Flats named Beechwood and 1-4 The Beeches; a total of 8 dwellings.

The roadway is hardsurfaced in a poor state of repair and min 3.6m wide with a 1.8m wide kerbed footpath along part of the West Boundary to Beechwood.

- Although the proposal will no longer need to achieve Code 3 Sustainable Homes, it will be include sustainable and eco friendly features to reduce energy usage and emissions as set out in Policy CS30 of the Core Strategy. These will be proposed and agreed upon grant of Full Planning consent

### **Development Plan Allocation and Policy**

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

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

Core Strategy policy(s):

CS6 'Meeting the Housing Requirement'  
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'  
ENV3.7 'Control of Pollution'  
T8 'Access'

### **Other Material Considerations**

The application has been assessed against the requirements and guidance contained within the Council's adopted Supplementary Planning Guidance (SPG) 'Housing Guidance 2: Backland and Tandem Development' and 'Housing Guidance 3: Residential Infill Plots' and the South Yorkshire Residential Design Guide.

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 notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Rotherham Unitary Development Plan was adopted in June 1999 and the NPPF adds that in such circumstances 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 policy(s) referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

## **Publicity**

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. 7 letters of objection have been received including one from Aston Parish Council and one from Councillor Elliott who endorses the comments of one of the objectors.

The objectors states that:

- The height of the building could be a problem as it overlooks a large part of a parking area, front of the house and therefore will make Belgrave Place less private. The sky light windows look directly onto this area.
- The plans submitted seem to indicate single or family occupancy from information gathered from neighbours this might not be the case. The building could be flats therefore multiple occupancy which could increase the noise and traffic in a location which is currently very quiet.
- How will emergency services access the property safely, what about quality of life for the people already living in the adjoining houses. This area is overcrowded enough as it is.
- The building will be unacceptable in terms of visual impact, it will be too high and will dominate the garden of No. 1 The Beeches. It will be higher than the nearest property on Belgrave Place, as the ground on which that property stands is lower than the bottom of the proposed garden plot.
- The level of activity generated from a 5 bed-roomed property will be far more than that stated in the Transport Assessment (4 return journeys a day), if occupied by a young family or with older, possibly car owning family members. This problem could be further increased should 5/6 unrelated individuals be living in the property with the increased level of activity.
- Parking and outside amenity space is very limited for a property with this level of accommodation, and this could impact even further if the property was to be changed into apartments or a house of multiple occupation.



- Access via the proposed new driveway, which is approx. 3.75 metres wide, for emergency and delivery vehicles will be severely restricted by the sharp right turn from The Beeches.
- The collection of waste from the property will cause further problems at the Worksop Road end of The Beeches if several more bins need to be taken to the roadside, which is the present arrangement. These often cause access problems after they have been emptied.
- We question whether this can be described as infill development, when it is actually 'garden grabbing', with no existing access to the land.
- While proposals to widen and re-surface the access from Worksop Road would be very welcome, any extra vehicular traffic would surely require other works to be carried out to bring the exit to Worksop Road up to adoptable standards.

Aston Cum Aughton Council states that:

- It would result in unnecessary overdevelopment of the site. This being confirmed because the use of The Beeches for parking by residents of The Beechwood means greater than 5 properties off a private drive.
- The proposed 5 bedroom dwelling would be too large, it would be overbearing and out of character. This being further confirmation of overdevelopment of the site. The Planning Officer did suggest the possible erection of a single storey dwelling.
- The proposed access past the gable end of 1 The Beeches, would be totally inadequate for the probable number of vehicles required at a 5 bedroom property.

Following the submission of the amended plans, two objectors have written to confirm that the new hipped roof and the removal of a bedroom has not overcome their concerns.

Three people have requested the right to speak including the applicant and two objectors.

## **Consultations**

RMBC – Highways & Transportation: The revised layout now provides onsite car parking and manoeuvring in accordance with the Council's standards / practices. This being the case, there are no objection to the granting of planning permission in a highway context subject to relevant conditions.

## **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 in the determination of this application are considered to be:

- a) The principle of building a dwellinghouse on this site.
- b) The layout, and appearance of development and impact on the immediately surrounding area.
- c) The impact of the development on the living conditions of existing and future occupants.
- d) Highways impact.

### Principle

The application site is allocated for Residential purposes within the Council's adopted UDP, within an urban area as defined within the Core Strategy.

Furthermore, it is noted that at the heart of the NPPF, and as supported by Core Strategy Policy CS33 'Presumption in Favour of Sustainable Development', there is a presumption in favour of sustainable development, and planning permission that accords with the development plan should be approved without delay.

It is considered that the site would be in a sustainable location given its close proximity to existing housing, facilities, services and local public transport.

Paragraph 53 of the NPPF states: "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens". The Council do not currently have a policy that specifically restricts the development of gardens.

Accordingly, it is considered that the principle of developing the site for residential is acceptable and would comply with the requirements detailed within UDP policy HG4.3 'Windfall Sites', insofar as the application site is surrounded by residential properties within a built-up residential estate and would be compatible with adjoining uses. Policy HG4.3 also requires development to be compatible with other relevant Policies and guidance, and these are referred to in more detail below.

### The layout and appearance of development and impact on the immediately surrounding area

The NPPF 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." Paragraph 17 further states planning should always seek to secure a high standard of design.

Policy CS28 'Sustainable Design,' of the Rotherham Core Strategy states: "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of

good architecture and appropriate landscaping...Design should take all opportunities to improve the character and quality of an area and the way it functions.”

Core Strategy Policy CS6 ‘Meeting the Housing Requirement’ further states that: “Housing development will be expected to make efficient use of land while protecting and enhancing the character of the local area.”

The adopted SPG ‘Housing Guidance 2: ‘Back land and Tandem Development’ states: “The Council will not look favourably upon proposals for the subdivision of individual residential plots where such development would lead to a reduction in existing levels of residential amenity due to overlooking and/or where, together with the precedent it would create, it would have an adverse impact on the character of a residential area and the efficiency of access arrangements by virtue of increased density and multiplicity of access provision.”

The South Yorkshire Residential Design Guide (SYRDG) further notes: “Back gardens of houses should be appropriate to the size of the property, its orientation and likely number of inhabitants. Private gardens of two bedroom houses/bungalows should be at least 50 square metres; for three or more bedroom houses/bungalows, 60 square metres.”

In this instance this area of Swallownest has a very varied layout that has emerged over the past 100 years. The area does not have a defined layout or architectural character and there is a wide variety of architectural styles and building materials. The Beeches is a small backland development, constructed in the Edwardian period, with the red brick dwellings defined by their large rear gardens. Belgrave Place to the west also represents a backland form of development, being a private drive to serve 4 dwellings on land to the rear of 40 Worksop Road.

With regard to the rear garden provision, both the host and proposed dwelling will have garden sizes that exceed the minimum recommended within the South Yorkshire Residential Design Guide.

In light of the above it is considered that the proposal would represent an acceptable form of development of the site that would not harm the character of the area. The proposal would therefore be in accordance with paragraphs 17 and 54 of the NPPF, Policy HG4.3 ‘Windfall Sites’ and the guidance outlined in the adopted SPG ‘Housing Guidance 2’ to the adopted UDP, and CS28 ‘Sustainable Design,’ of the Core Strategy.

### Amenity issues

Paragraph 17 of the NPPF outlines several core planning principles, one of which notes that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 123 adds that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

UDP Policy ENV3.7 ‘Control of Pollution’ and Core Strategy Policy CS27 ‘Community Health and Safety,’ further requires that new development should not lead to harm to the amenity of neighbouring residents in terms of noise pollution.

The South Yorkshire Residential Design Guide (SYRDG) notes that: “For the purposes of privacy and avoiding an ‘overbearing’ relationship between buildings, the minimum

back-to-back dimension (between facing habitable rooms) should be 21 metres. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth.”

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

In taking account of the above, the proposed dwelling is set 18m off the rear elevation of the host property No.1 The Beeches. However as the property is a bungalow the separation distance between the rooflights in the bungalow and the rear elevation of No.1 is some 21m. As such no direct overlooking between these two properties will occur. In addition, the rear elevation would be 10m from the boundary of the nearest property on Belgrave Place (no. 8) and would effectively overlook the front area of this property.

The rear garden to No.1 The Beeches is substantial and the new dwelling utilises the change in levels to minimise the massing of the dwelling. The dwelling will appear as a bungalow from the front elevation and two storey from the rear. The applicant has also replaced the original gabled roof with a hipped roof to reduce the overall massing of the dwelling when viewed from the neighbour at No.2 The Beeches.

In terms of the movement of vehicles down the side of the retained amenity area and in close proximity to the host property it is considered that the relatively low number of vehicle movements generated by a 4 bed property would have minimal impact on the amenity of occupants of this host property.

As such, it is considered that the scheme accords with paragraphs 17 and 123 of the NPPF, UDP Policy ENV3.7 ‘Control of Pollution’ and Core Strategy Policy CS27 ‘Community Health and Safety.

Objectors note that the building could be used as flats, though any such subsequent conversion would require planning permission which could be considered accordingly. Other objections relate to

### Highways issues

With regard to the proposed layout, it is noted that the scheme is for an additional dwelling which will make this the fifth to be served from the private drive. Overall the proposed highway arrangement is considered acceptable subject to relevant conditions ensuring the upgrading of the access takes places and turning/parking facilities are provided. Objectors note that the collection of waste from the property will cause further problems at the Worksop Road end of The Beeches if several more bins need to be taken to the roadside, which is the present arrangement. However, such occasions when this would occur would be limited and would not justify refusal of the planning application. Another objector notes that the access onto Worksop Road should be brought up to adoptable standards, though this is not considered necessary for a development of this limited nature.

## **Conclusion**

The new residential use of the land is considered acceptable in principle and will not result in an unacceptable backland development. The proposed development would provide housing, designed to a high standard, which reflects the character and appearance of the locality and would contribute to existing shortfall in housing provision in the Borough.

The scheme would not lead to an adverse effect on the residential amenities of adjoining occupiers by way of overlooking or overshadowing. Furthermore the scheme would not be detrimental in highway safety terms. In view of the above it is recommended that planning permission be granted.

## **Conditions**

01

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

Reason

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

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), unless otherwise specified by condition.

(Amended Site Plan and elevations 16/15/PL01 Rev C, Received 03/04/17)

Reason

To define the permission and for the avoidance of doubt.

03

The above ground construction of the dwelling shall not take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with CS28 'Sustainable Design'.

04

Prior to the occupation of the dwellings a plan 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 treatment shall be completed before the dwelling is occupied.

Reason

In the interests of the visual amenity of the area and in accordance CS28 'Sustainable Design'.

05

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 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'.

06

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

07

The development shall not be brought into use until the vehicular turning space, as indicated shaded blue on Drg No 16/15/PL01 Rev C, has been provided and the turning area shall thereafter be kept clear.

Reason

In the interest of highway safety.

08

Prior to the occupation of the dwelling the access road shall be upgraded in accordance plan 16/15/PL01 Rev C.

Reason

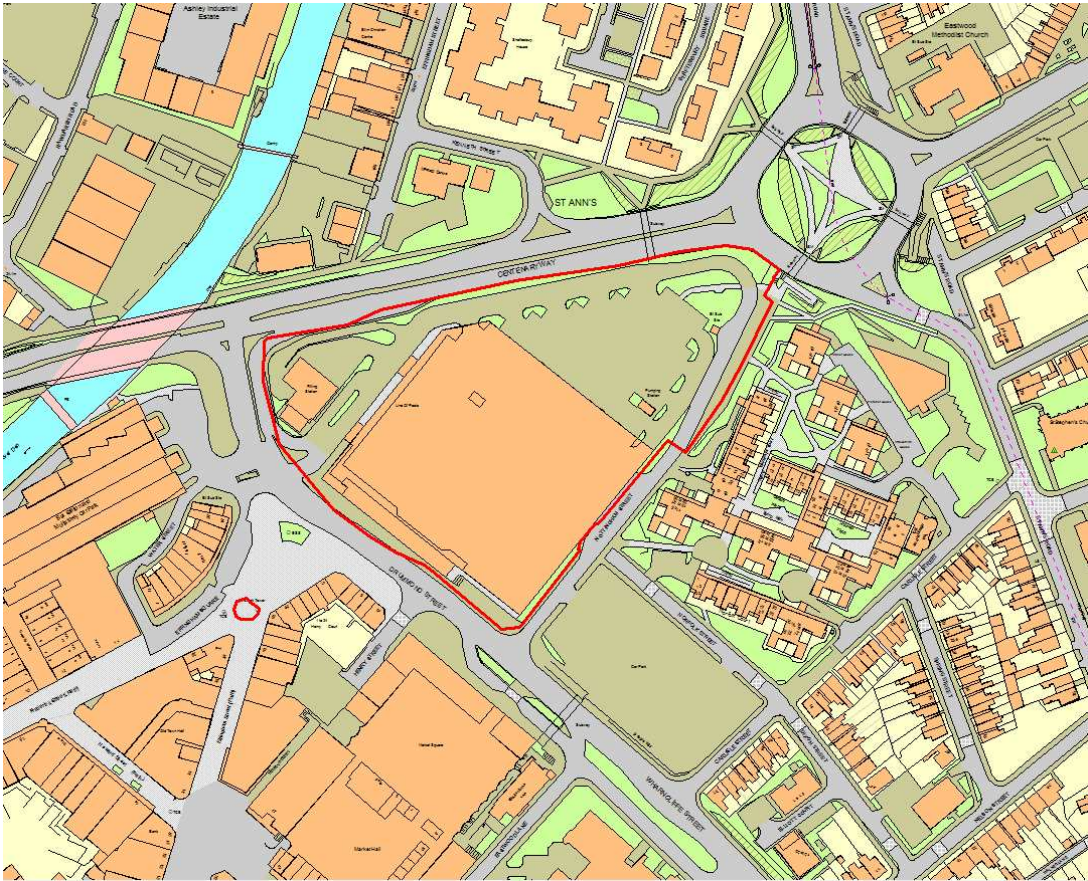
In the interest of highway safety.

**POSITIVE AND PROACTIVE STATEMENT**

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

<b>Application Number</b>	<b>RB2017/0245</b>
<b>Proposal and Location</b>	Application to vary condition 09 (car park controls – to allow new car park management measures to be introduced) imposed by application RB2011/1768 at Tesco, Drummond Street, Rotherham Town Centre, S65 1HY for Tesco Stores Ltd
<b>Recommendation</b>	Grant subject to conditions

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



**Site Description & Location**

The application site is located on the edge of Rotherham Town Centre, with Drummond Street separating it from Effingham Square. Centenary Way bounds the site to the north and St Anns Roundabout is to the North east. Residential properties off

Nottingham Street are located to the south east. The site slopes downwards from south east to north-west.

The store occupies the majority of the site and sits to the south-west of the site, with car parking towards the north-east.

## **Background**

There have been a number of planning application submitted relating to this site, the most relevant of which are:

RB2011/1768 – Demolition of existing buildings and erection of food retail superstore (use class A1) including erection of petrol filling station, electrical sub-station, car parking, access, landscaping, servicing and other associated works including relocation of Hastings Clock to Effingham Square – Granted conditionally – 7 August 2012

## **Proposal**

The applicant is seeking to vary Condition 9 attached to planning permission ref. RB2011/1768, which has regard to car park controls at the store to allow new car park management measures to be introduced.

Condition 9 attached to RB2011/1768 stated:

“Prior to the development being brought into use, a Car Parking Management Strategy shall be submitted to and approved by the Local Planning Authority and the approved plan shall be implemented throughout the life of the store. The plan shall include details of the availability of 2 hours free parking for customers and non-customers of the store.”

The reason for the condition stated: “To limit the availability of free parking and to encourage the use of sustainable transport.”

In order to manage the proposed new parking controls Tesco propose to install payment terminals and associated enforcement signage within the store car park and 3 no. automatic number plate recognition cameras at the car park entrances and exits to cover all lanes.

The applicant is recommending that the wording of condition 9 is amended to read:

“The car park will be at all times reserved for use by customers of the retail store and Town Centre. These car parking spaces shall be made available for customers who spend a minimum of £5 in the Tesco store, up to a maximum of 3 hours. The three hour maximum stay is provided in order to allow customers to visit the Store and other destinations in Rotherham Town Centre”.

## **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 both community facilities and business use purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS14 'Accessible Places and Managing Demand for Travel'

Unitary Development Plan 'saved' policy(s):

EC3.2 'Land identified for Business Use'

ENV3.7 'Control of Pollution'

RET1.1 'Shopping Environment'

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

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

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

### **Publicity**

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 6 letters of representation have been received, the issues raised are summarised below:

- The town has been devastated by the closure of the old site on the promise by Tesco to regenerate the town centre and create jobs.
- Restricting parking will have yet a further detrimental effect on town centre footfall.
- Tesco should abide by the conditions on the original approval.
- The minimum spend required is too high, £5 is a lot per time, if I'm calling in for milk, bread.
- The figure will put people off.
- Parking is never an issue.
- There will be a lot of confusion stopping people shopping elsewhere.

- If you take away the free parking people might decide to shop at out of town complexes such as Parkgate or Meadowhall.
- The Council should encourage people to visit the town.

2 Right to Speak requests have been received.

### **Consultations**

RMBC - Transportation and Highways Design: Have no objections.

RMBC - Tree Service Manager: Have no objections.

RMBC - Landscape Design: Have no objections.

RMBC – Drainage: Have no objections to the variation.

RMBC – Ecologist: Have no objections.

RMBC - Environmental Health: Have no objections.

RMBC – RIDO: There is a high risk of negatively impacting on footfall, and discouraging shoppers who visit the store from also visiting the town centre. The proposals will drive customers away from the markets complex and damage the town centre footfall as a whole.

SY Police Architectural Liaison Officer: Have no objections.

Highways England: Have no objections.

Natural England: Have no objections.

South Yorkshire Mining Advisory Service: Have no objections.

### **Appraisal**

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

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

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

The application is to vary condition 9 that was attached to the original planning approval (RB2011/1768) for the Tesco store in Rotherham Town Centre.

Condition 9 stated: "Prior to the development being brought into use, a Car Parking Management Strategy shall be submitted to and approved by the Local Planning Authority and the approved plan shall be implemented throughout the life of the store.

The plan shall include details of the availability of 2 hours free parking for customers and non-customers of the store.”

The reason for this condition requiring the availability of 2 hours free parking was... “to limit the availability of free parking and to encourage the use of sustainable transport”.

Tesco have operated the store under the provisions of the original restriction to date but have now indicated that they are finding that their car park is coming under considerable pressure. The applicant states that this is limiting the number of spaces available to shoppers, which in turn is “detracting from the attractiveness of the store as a main food shopping location, and in turn impacting on its trading performance.”

This application has therefore been submitted to vary condition 9 in order to introduce new measures to control the car park whereby customers will be permitted to stay for up to 3 hours if they spend a minimum of £5 in store.

This will work by customers being given a voucher at the till after their shop which can be scanned into one of the automated ticket validation terminals located within the store. Those who don't validate their parking or stay longer than 3 hours will be issued a penalty charge notice of £70, reduced to £40 if paid in 14 days. The first half hour stay will not however be charged to allow for short shopping trips or pick up / drop offs.

The applicant states that the revised controls will ensure that there is a greater turnover of parking to create more freely available spaces for shoppers to visit both the store and shops located in the Town Centre. For example, a customer may undertake a half hour shop at the Tesco store where they spend more than the £5, and remain within the car park for a further two and a half hours.

Information has been provided to show the car park occupancy for March when the new ANPR (Automatic Number Plate Recognition) parking control was brought into use. The data submitted does not identify the alleged parking issues which the application is intended to address, as occupancy data which pre-dates the installation of the parking control is not available. However, the submitted data does indicate that the car park is operating well below its optimum occupancy rate (85%) for the majority of the time, which suggests there could be spare capacity to allow use by non-customers of the store.

The issues raised by local residents and the Council's RiDO department are noted, but the reason for the original condition was to limit free parking and to encourage the use of sustainable transport. The purpose of the condition was not to give Tesco the responsibility for town centre parking as the main purpose of the car park is to serve the Tesco store.

The suggested change to the condition will still facilitate linked trips, as the current arrangement only allows for 2 hours free parking whereby the revision will increase this to 3 hours. The only proviso to this is that £5 is spent in store with the first half hour being free to anyone. This will ensure that anyone visiting Tesco for more than basic essentials will benefit from free parking and still have sufficient time to visit the town centre for linked trips.

As such, and notwithstanding the lack of historical parking data submitted and the issues raised by residents, it is considered that on balance the amended condition is not

contrary to the spirit of the original condition and the revised parking controls are considered sufficient to allow linked trips with other town centre uses.

Therefore, given the reason for the original condition, the current variation of the condition would not be contrary to the relevant national and local planning policies and is considered acceptable.

## **Conclusion**

In conclusion it is considered that the current proposal to vary condition 9 attached to RB2011/1768 to provide up to 3 hours free parking for customers who spend £5 in store or 30 minutes free parking otherwise, is not contrary to the spirit of the original condition and is considered acceptable. The additional hour of parking that will be made available will facilitate linked trips and accordingly the variation of the condition is in compliance with the relevant paragraphs of the NPPF, policies of the Core Strategy and 'saved' UDP policies, and as such the application is recommended for approval.

## **Conditions**

01

The net sales floor area (defined as all internal areas accessible to the customer, but excluding lobbies, concession, restaurant/cafes, customer toilets and walkways behind checkouts) shall not exceed 6,273 square metres, of which the net comparison sales area shall not exceed 2,411 square metres.

Reason

To ensure that the proposal is in accordance with the submitted information and the subsequent assessment of the impact of the proposal is in accordance with policies in Chapter 2 of the NPPF.

02

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no opticians, doctors, dry cleaning facility or post office shall be provided within the development hereby approved.

Reason

To ensure that the proposal is in accordance with the submitted information and the subsequent assessment of the impact of the proposal is in accordance with policies in Chapter 2 of the NPPF.

03

The car park will be at all times reserved for use by customers of the retail store and Town Centre. These car parking spaces shall be made available to customers who spend a minimum of £5 in the Tesco store, up to a maximum of 3 hours (the first 30 minutes of which will be free).

Reason

To allow customers to visit the Store and other destinations in Rotherham Town Centre.

04

The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

05

No additional plant or other apparatus, (except for the wind catchers and plant shown on approved Plan "Preliminary Plant Details" drawing number P18 Rev B dated April 2012) shall be located on the roof of the building.

Reason

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

06

The 4m high closed board timber fence (acoustic barrier), around the Service Yard shall be maintained for the life of the development.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

07

No deliveries shall be made too, or from the store between the hours of 24:00 – 06:00 hours.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

08

Service yard operations shall be limited to 06:00- 24:00 hours, and no other operations shall take place in the service yard outside this time.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

09

The service yard delivery entrance gates shall remain closed at all times between 24:00 – 06:00 hours.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

10

The service yard delivery entrance gates shall be closed except when a delivery vehicle is accessing or egressing the service yard.

**Reason**

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

11

Noise from all fixed plant and service yard operations at the site (when considered together) shall be such that the calculated rating level, when measured at a height of 1.2 metres above ground level and 3 metres from any noise sensitive façade, shall not exceed the existing background noise level by more than 5dB in any one hour period between 0600 and 0000 hours, and in any 5 minute period between 0000 and 0600 hours.

**Reason**

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

12

The external lighting shown on the approved plans shall be shielded to prevent glare. All lighting fixtures shall be installed at an angle to prevent light emitting directly above the horizontal plane and to prevent light spillage from the proposed external lighting installation exceeding 5 lux when measured at the nearest sensitive local dwellings.

**Reason**

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with UDP Policy ENV3.7 'Control of Pollution', and in the interest of highway safety.

**Informatives**

01

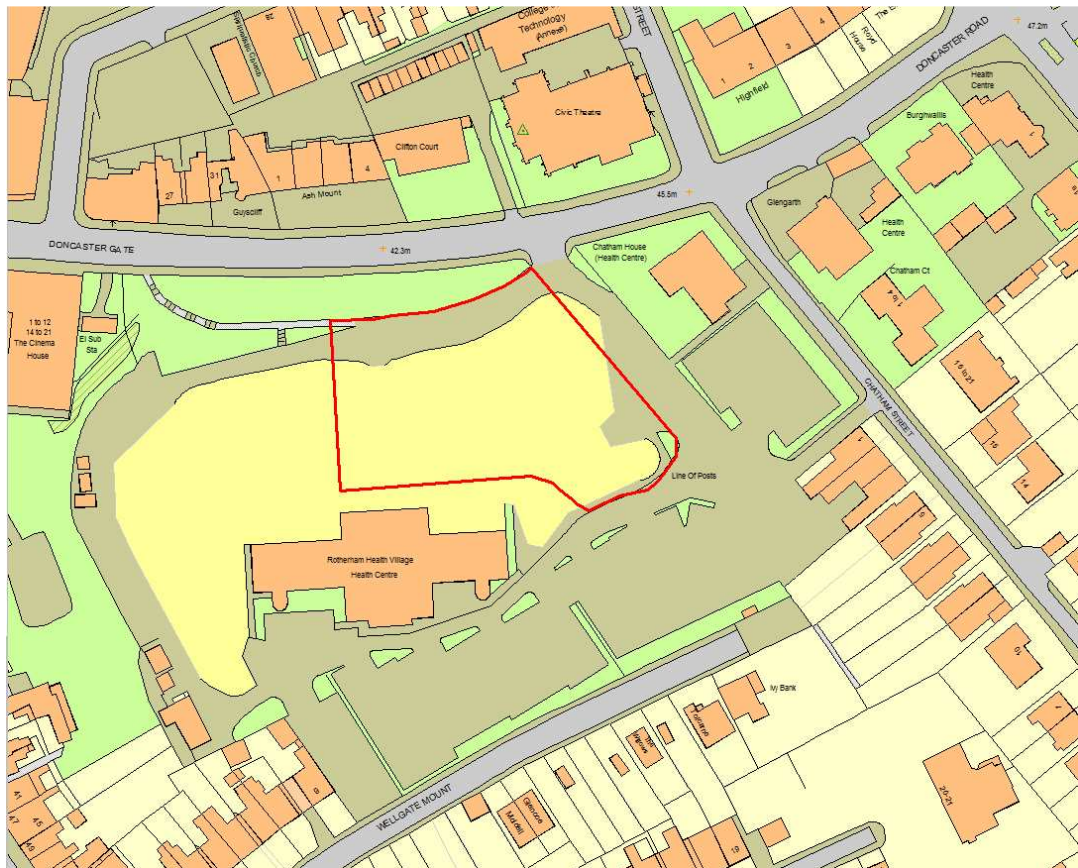
The applicant is advised to contact Stephen Brown (tel: 01709 ) regarding the Travel Plan measures required by condition 12 of the original planning permission (RB2011/1768).

**POSITIVE AND PROACTIVE STATEMENT**

During the determination of the application, the Local Planning Authority worked with the applicant to consider what amendments were necessary to make the scheme acceptable. The applicant agreed to amend the scheme so that it was in accordance with the principles of the National Planning Policy Framework.

<b>Application Number</b>	<b>RB2017/0262</b>
<b>Proposal and Location</b>	Erection of a three storey education building at the Former Rotherham Hospital, Doncaster Gate, Rotherham Town Centre. S65 1DW.
<b>Recommendation</b>	Grant subject to conditions

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



### Site Description & Location

The site comprises of the cleared ground of the former Rotherham Hospital which is located immediately to the south of Doncaster Gate, just to the east of the main pedestrian area of the town centre. The site is also approximately 150m south-east of the main RCAT complex.

The site is approximately 0.31 hectares in size and slopes downwards by approximately 10m from southeast to northwest. A line of mature trees fronts the northern boundary and beyond this a prominent stone boundary wall.

The Doncaster Gate site currently contains the Rotherham Health Village and associated car parking. The Hospital was demolished in late 2013 and the site was then grassed over. The site is bounded by Doncaster Gate to the north, Chatham Street to the east, Wellgate Mount to the south and Wellgate to the west.

### Background

A number of planning applications were submitted between 2002-2004 when the site still operated as a hospital. A number of these facilities were moved to the bigger complex at Moorgate and the hospital closed and was converted to temporary Council offices. Following the opening of Riverside House, the offices became surplus to requirements and the building was subsequently demolished in late 2013.

The most recent planning history can be summarised as follows:

RB2009/0276 – Change of use of premises to Civic offices for temporary period of 5 years – granted

RB2013/1221 – Application to determine whether prior approval is required for the method of demolition and restoration of the site re: demolition of single and two storey building and ancillary storage buildings – granted

In July 2016 the former hospital building was subject to an unsuccessful application for listing as an Asset of Community Value. However, this was over two years after building had been demolished.

## **Proposal**

This is a full application for planning permission for the erection of a new three storey education building that will form part of the RCAT education campus. The building will be approximately 3480 sq m in area and will incorporate classrooms and seminar rooms, a library, café and social space as well as some supporting services. The college proposes to increase the number and range of courses available at a higher level and it is likely that the catchment range of the current college will further expand with these improvements although no overnight accommodation is to be provided.

The proposal can be summarised in more detail below:

- Rotherham College proposes to develop a new Centre for Higher Level Skills within the town centre campus, providing teaching space for approximately 1000 students.
- The buildings principal entrance is on the northern elevation facing Doncaster Gate with an outdoor seating and planting area.
- The main entrance features a social area/café with an open plan glazed area. Above this is the library with a large amount of external glazing.
- The main vehicle access point onto the site is from Doncaster Gate to the north.
- All vehicular traffic enters the site off Doncaster Gate at the northeast corner and circulates around the site in a clockwise direction along a one-way road system.
- The proposal also incorporates 3 accessibility bays in front of the main entrance.
- The rear of the development comprises of an outdoor amenity area that has a mix of hard and soft landscaping in an area of land that is stepped up in terraces due to the sloping land levels.

The building will be used between 0830-2300 Monday to Saturday and 1000-1600 on Sunday. Hours of teaching are mainly during the day between 0900-1700.

A number of ancillary works (such as car parking re-lining) are also proposed outside of the site area as enabling works prior to the commencement of any future application



work. These are not considered to represent development and do not therefore require planning permission in their own right.

Supporting documents were also provided with the application including:

- Design and Access Statement
- Transport Statement
- Travel Plan
- Landscaping
- Tree Survey

### Design and Access Statement

The applicant indicates what the main design principles have been and how the design has progressed. The proposal has been designed with the following specific areas in mind:

- To link the proposed new centre with the colleges existing campus.
- External Amphitheatre Social Area – It is proposed that this second landscaped area that has a south facing aspect will offer a mix of hard and soft landscaping creating the main external social space where activity from the centres reception area and café space can spill out.
- Car Park – use of the remaining area of the sloping site to create a car parking area to the southwest of the centre that is linked via steps to the secondary entrance to the south. This car parking area will provide visitor parking spaces, cycle parking and service vehicle access. Also within this area is the provision of a refuge collection point and generator housing.
- Cycle Storage – Covered cycle storage built into the external hard landscaping of the car park area will provide safe and secure covered 22 space cycle storage.

### Key Design Principles

- The social and shared spaces have been put at the heart of the project, enabling users to move easily between the shared public and semi public spaces and the more formal range of classrooms, aided learning and individual workspaces.
- Externally the form of the new college reflects the massing of both the previous Hospital plan, running parallel with Doncaster Gate, and the adjoining Chatham House.
- These opposing angles are used to create the form of the two intersecting Civic & Classroom Blocks and therefore reinstate and enforce the urban grain.
- A café/social area with its open large flexible central dining area at ground level and two storey Library above at first and second floor, which both overlook the main site entrance and provide a highly visual welcoming face to the college.
- To the south end of this block at first floor is a large seminar room with two adjoining classrooms which are flexible enough to open up further making one large event space.
- At the intersection of the two blocks, the plan has been opened up with two full height atriums, that will allow light down into the heart of the building whilst providing views through the building interior and externally
- Use of high quality robust materials on this open public site, whilst providing a striking and welcoming transparent design to the Café / Social Space, Library and Visitor Entrance area.

- Using a high quality exposed concrete finish to the ground floor plinth and walls whilst projecting a sculptural effect, similar to that used on the Hepworth Gallery – Wakefield.
- Wrapping the upper floors in a semi-transparent perforated cladding that helps to provide the required ventilation and solar shading environmental controls to all elevation of the building whilst creating a more contemporary architectural feel.

### Transport Statement

- The proposed Centre for Higher Level Skills will have an average occupancy of approximately 560 people on a typical term day, including 24 new full time equivalent members of staff.
- To ensure safe movement between existing campus buildings and the proposed facility, a new pedestrian facility is proposed on Doncaster Gate.
- Pedestrian provision around the Centre for Higher Level Skills is considered to be good with this new facility in place.
- Secure cycle parking facilities will also be provided.
- The site is currently well connected to frequent bus and rail services, with several bus stops located within walking distance on Doncaster Gate and Wharnccliffe Street.
- A small number of car parking spaces will be provided, including a high proportion of disabled bays. Due to the low level of proposed parking and high level of sustainable transport provision within the town centre, it is considered that car trips to and from the site will have a negligible impact on the highway network.
- Off-site car trips are likely to be relatively low, and would distribute between existing facilities within the town centre, which has a good provision of car parking.

### Travel Plan

- Survey taken January 2017.
- The most popular staff mode of travel to the college is driving with 51.4% of respondents.
- Bus was the second most popular mode (28.2%).
- The most popular mode of travel for students was bus with 61.6% of respondents. This was followed by car passenger (11.5%) and walking (10.6%).
- The low level of cycling from staff (1.6%) and student (0.9%) responses indicate this mode has the greatest potential for improvement in the future.

### Landscaping

- Create a safe and secure and legible external environment accessible to all;
- Re-establish a landscape character for the site;
- Create an inviting, legible pedestrian route to the main entrance;
- Create a series of social spaces of differing character around the building maximising the sloping topography.
- Ensure DDA accessibility to entrances to buildings impacted by the works;
- Respond to the adjacent Conservation area;
- Ensures the protection of trees along Doncaster Gate.

### Tree Survey

- Eight individual trees and one group of trees were surveyed. Seven surveyed trees were allocated moderate retention values, one tree was allocated a low

retention value, and one group was classed as unsuitable for retention regardless of development.

- In addition to the removal of one group that is considered unsuitable for retention, construction of the development as proposed will require the removal of one low quality tree, but that the losses are projected to have a negligible impact upon the visual amenity of the local landscape.
- In addition, the provision of seven new trees is proposed as part of site landscaping, which, is projected to adequately mitigate for the necessary development related losses.
- In order to ensure successful existing tree preservation over the long-term, it is essential that the retained trees are protected in strict accordance with current Government guidance and the recommendations included herein.
- The provision of and adherence to a suitably detailed Arboricultural Method Statement and Tree Protection Plan can be conditioned to a planning permission in order to ensure the protection of retained trees.

## **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 Community Facilities purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS3 – Location of New Development

CS9 – Transforming Rotherham's Economy

CS10 – Improving Skills and Employment Opportunities

CS14 – Accessible Places and Managing Demand for Travel

CS21 – Landscape

CS28 – Sustainable Design

CS30 – Low Carbon and Renewable Energy Generation

Unitary Development Plan 'saved' policy(s):

ENV3.7 Control of Pollution

CR1.2 'Educational Facilities'

CR1.5 'Community facilities'

T8 'Access'

## **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 27<sup>th</sup> 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of

the Planning Policy Statements (PPSs) that existed. It states that “Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

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

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

## **Publicity**

The application has been advertised by way of a press notice (Rotherham Advertiser 24 February 2017), and 4 site notices located around the site (24 February 2017) along with individual neighbour notification letters to adjacent properties (20 February 2017).

One letter of representation has been received, from an occupier of a property adjacent to the site and can be summarised as follows:

- Insufficient parking available for the building.
- Residents already suffer congestion and competition for spaces from the existing college.
- Resident has requested the Right to Speak at Planning Board.

In addition a petition of 29 signatures has been received from residents of Chatham Street and Summerfield and can be summarised as follows:

- Concerns about movement of traffic using secondary one way exit to Chatham Street.
- Gate Surgery’s visitors have further exacerbated this.
- It is requested that the exit onto Chatham Street be emergency only.

## **Consultations**

### **RMBC**

Transportation and Highways Design – no objections subject to conditions

Tree Service Manager – no objections subject to conditions

Landscape Design – no objections subject to conditions

Drainage – no objections to revised details subject to conditions

Ecologist – no objections subject to conditions

Environmental Health – no objections subject to conditions

Environmental Health (Pollution Control) – no objections subject to conditions

### **External**

Yorkshire Water – no objections subject to conditions

South Yorkshire Fire and Rescue – no objections

Police – no objections

## **Appraisal**

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

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

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

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

- The principle of the development
- Design and visual appearance
- Transportation Issues
- Drainage and Flood Issues
- Impact on Trees
- Landscaping and Ecology
- General Amenity Issues
- Geotechnical Issues

### The principle of the development

The site is allocated for Community Facilities in the UDP and it is proposed to retain this as part of the Sites and Policies allocations within the Local Plan. The site has always been used for community facilities following its earlier uses as a hospital and later conversion to Council Offices. The site immediately to the rear is a Health Centre that is accessible to the public, known as Rotherham Health Village.

The development is therefore in conformity with the UDP and the principle of the re-development of the site for education purposes is therefore considered acceptable and in accordance with UDP Policies CR1.2 'Educational Facilities' and CR1.5 'Community facilities'.

### Design and visual appearance

This is considered to represent a standalone site that lies outside of the Conservation Area. However, the site is prominent and represents an important link between Rotherham Town Centre and Clifton Park being midway between the Town Centre and Doncaster Road Conservation Area.

It is considered that the rationale and the design process has been fully explained and has had full regard to the general design principles highlighted in paragraph 56 of the NPPF. The design has also been developed in conjunction with Rotherham College through a number of User Group Meetings. It is also understood that the design has been based on examples of other high quality newly built training and education facilities in the wider region.

The external elevation to the building focuses on the glazed frontage to Doncaster Gate and cantilevered Civic Block which provides a covered entrance canopy. It is

considered that the proposal would provide a welcoming Café/Social Space, Library and Visitor Entrance area that has been designed with prioritising pedestrian movement.

In terms of materials proposed within the building, the applicant has explored several options for external materials with the college, who requested that the architecture reflect a contemporary and forward looking appearance. The ground floor plinth of the proposal will use a high quality exposed concrete finish whilst the upper floors have been wrapped in a semi-transparent perforated cladding that helps to provide the required ventilation and solar shading environmental controls to all elevations of the building whilst creating a more contemporary architectural feel to the new centre.

Moving to sustainability issues, the building is considered to have been designed with sustainability and low carbon technologies in mind. As part of this, 250square metres of Photovoltaic Panels have been incorporated into the roof design for renewable technologies, which currently achieve a renewable energy contribution of 12% of the total building. The applicant indicates that this should increase to 14% when final equipment selections have been made. It is considered that this represents an appropriate level of renewable energy provision and is further evidence of the overall good quality of design.

The prominent stone boundary wall that lies along the frontage with Doncaster Gate along with all existing paths that cross this site will be retained. Likewise the line of mature trees will also be retained.

Overall the proposed new building is considered to be of a high quality architectural and visual appearance that represents a modern design that has full regard to design principles and will uplift the area in this prominent location close to Rotherham Town Centre.

### Transportation Issues

Although Doncaster Gate is a classified road, the majority of traffic is local rather than through traffic. Recent surveys carried out by RMBCs Streetpride Unit, combined with anticipated pedestrian crossing numbers have indicated that this road is not sufficiently busy to require a new signal controlled crossing. However, there will be a high number of pedestrians accessing the site and also a high proportion of movement of students from this site to the other college site on Percy Street.

To assist in the safety of these pedestrian movements it is considered appropriate to provide traffic calming measures along Doncaster Gate in the form of a raised table and a tactile pedestrian crossing point at the Morpeth Street / Percy Street junction which are considered to represent significant improvements in terms of pedestrian accessibility. Furthermore, the submitted Travel Plan is considered to be robust and addresses every aspect outlined in the Councils guidance. These measures will be secured through a recommended condition.

The original pedestrian footpath that crosses the centre of the site with a gate to the north west has been closed for a number of years. The path is narrow and not well overlooked and would also require pedestrians to cross the internal access road. It is not proposed to re-open this access.

The submitted travel plan is considered suitably robust and will encourage the use of sustainable transport methods.

Subject to the traffic calming measures and enhanced pedestrian crossing facilities above, the application is considered acceptable in highway terms and in accordance with Core Strategy Policies CS3 and CS14.

### Drainage and Flood Issues

The site does not lie within a recognised Flood Risk Area and the site is not considered to be at risk from river flooding. In terms of surface water flood risk issues, the site slopes down from south to north and whilst none of the site lies within a known surface water flood risk area, the area to the north of the site is most likely to be at risk from overland runoff.

Initially the Council's Drainage Officer highlighted concerns with the attenuation storage details regarding the volume of attenuation required and the required volume within the voids. In this location there are multiple manholes and numerous pipes being located within the attenuation. In addition to increasing the difficulty of maintaining the tanking, any defect in the foul system would lead to contamination of the porous fill, with sewage being held within the attenuation.

Following amendments to the originally submitted information, the Council's Drainage Officer has confirmed that he is satisfied with the principles of the revised drainage scheme subject to final drainage conditions.

Yorkshire Water have also confirmed that the amended details are acceptable subject to final conditions.

Overall, subject to final drainage conditions, the drainage aspects of the proposal are considered to be acceptable.

### Impact on Trees

The Tree Survey indicates that the trees along the frontage of the site are to be retained. The trees are not formally protected however, they are mature specimens with seven out of eight in good health and contribute towards the character of the area and their retention is considered important. It is proposed to remove one low quality tree, although this tree does not contribute to the overall amenity and there are no objections to its removal.

The building is set sufficiently back in the site to ensure that there is no impact on the mature trees that lie along the frontage of Doncaster gate.

The Tree Officer has indicated that trees T1 to T4 and T6 to T8 are the better quality trees with reasonably good future prospects. The retention of the better quality trees is desirable, particularly when they will continue to contribute to wider amenity being clearly visible from the highway as in this case. Indeed, they may meet all the criteria for inclusion in a new Tree Preservation Order.

Overall the Tree Officer has accepted the finding of the Tree Report including the proposed removal of T5 as they are low quality trees that provide limited amenity that

can be easily replaced as part of the development. It is considered that the additional trees proposed as part of a future landscaping scheme would lead to an overall improvement in the appearance to the surroundings in accordance with the advice within Core Strategy CS21 Landscape and proposed Sites and Policies SP35 Green Infrastructure & Landscape.

Subject to conditions for appropriate protection during construction, it is considered that this element of the scheme is acceptable.

### Landscaping and Ecology issues

The Council's Ecologist has confirmed that there are no ancient woodlands in the vicinity and the nearest Local Wildlife Sites are located across the town centre at Canklow Wood.

The arboricultural report suggests that one tree and one group of trees should be removed. Since these are non-native conifers which will be of low ecological value, no objections have been raised. It is considered that these are too young to support bat roosts which in any case would be unlikely, given that they are non-native conifers.

The Landscaping Team have raised no objections to the proposed development. The scheme safeguards the important mature trees along the frontage of Doncaster Gate and provides a good quality of landscape design throughout the site.

Historically the majority of this site has previously had buildings and hard surfacing on it and from a landscaping and ecological aspect, the proposals are considered to be acceptable subject to final details.

### General Amenity Issues

The proposal involves some external lighting to illuminate the building. However, this mainly involves lighting that will be attached to the building with no external lighting columns proposed. The style of lighting proposed is for LED controlled down-lighting to minimise the amount of lighting spill and pollution to the surrounding area. The Environmental Health Unit have raised no objections to this aspect.

In terms of issues such as overlooking, the nearest residential properties are on Chatham Street over 50m away to the south-east of the site. These properties are located well in excess of normal residential spacing standards. Likewise the residential properties to the north are substantially in excess of normal residential spacing standards and as such there will be no loss of amenity to the occupiers of the surrounding residential properties.

The buildings closest to the site are Rotherham Health Village to the south and 'The Gate' immediately to the east. Both of these properties are health uses and are owned and operated by the NHS. The Health Village was built prior to the demolition of the Doncaster gate hospital and its main elevations face southwards away from the application site with secondary windows on the rear which are approximately 28m from the new school building.



The Gate surgery has windows on its western elevation, though these windows lie approximately 26m from the proposed glazed area of the ground floor café/first floor library which is in excess of normal residential standards of 21m. The Gate property is also currently screened by extensive mature boundary treatment and there is also a publically accessible road between the properties. Overall therefore the proposal is not considered to increase overlooking to these neighbouring buildings.

Although this building proposed is higher than the previous Doncaster Gate hospital, it is considered to be of an appropriate scale relative to the surroundings and is not considered to be overdominant or create any overshadowing to the surrounding properties.

### Noise

In terms of noise and disturbance, the property is considered to be a potentially higher noise generating use than the previous uses on this site. The college caters for young adults with no outdoor playground/playspace, but has an outdoor amenity and landscaped area. There are also some late evening uses of the building which will operate as a secondary campus to the main RCAT building. However, the site lies in close proximity to the town centre in a commercial location, off a main road. There are a wide range of different land uses in the surrounding area including medical and religious buildings, a pool hall as well as numerous retail, café and pub uses. Environmental Health have raised no objections in terms of noise. The use is considered to be appropriate in this location and in conformity with the general advice within EN1476 'Control of Pollution'.

### Geotechnical Issues

The first available map of 1850 shows the site comprised of open land/gardens and by 1893 the site is occupied by Rotherham Hospital. The hospital later became known as Doncaster Gate Hospital and by 2013 the building was demolished.

An intrusive site investigation was undertaken in June 2016 to determine if any significant soil and groundwater contamination associated with the historical uses of the site/adjacent sites could impact on the proposed redevelopment of the site. The site investigation works comprised the drilling and installation of 2 boreholes and the excavation of 4 trial pits. On first inspections there was no visible evidence of contamination.

Soil samples were collected from 10 locations across the site and submitted to an accredited laboratory for chemical testing. Groundwater strikes were encountered within both of the boreholes during the site investigation works.

Accordingly, the Council's Pollution Control Officer has indicated that it is considered likely that remediation works will be required to bring the site to a suitable condition to be protective of human health for its proposed end use. However, subject to the imposition of recommended conditions, there are no objections to the scheme.

### Response to representations

The objections received raise particular concerns regarding increased parking and congestion on the surrounding streets and the impact this will have on local residents.

As indicated above this building represents an extension to the existing RCAT college campus rather than a new standalone education use. Staff, students and visitors are expected to use existing facilities which is why only very limited parking has been made available here in the form of 3 disabled parking bays and the college have indicated that the lack of on site parking at this site will be highlighted within college literature.

The car park to the rear of the site is in the ownership of the NHS with controlled access and does not form part of this application. However, it is considered that the provision of no on site parking would discourage speculative car journeys to the site, and is considered preferable to a small number of spaces. There are parking restrictions on the surrounding streets which should discourage car use as well.

The majority of journeys to the site are anticipated to be on foot, with improved pedestrian crossing facilities to and from the existing RCAT campus as indicated in the paragraphs above. In addition this site is considered to be in a sustainable location with good access to public transport. The data provided within the travel plan indicates that approximately 73% of students currently access the college by bus or on foot with only 12% arriving by car. Having regard to the objections received it is considered that this building would not make the situation any materially worse.

## **Conclusion**

The principle of re-development of the site for an educational and community use is acceptable in this location and the new RCAT building will operate in conjunction with the existing town centre campus.

The design of the proposal is considered to be of a high quality building that has a contemporary appearance that will uplift the area in this prominent location. The majority of the existing trees within the site will be retained along with the stone boundary wall and this is considered to have full regard to the character of the surroundings.

Additional drainage details have been proposed to indicate that the majority of surface water runoff will be attenuated within the site boundaries.

Enhanced pedestrian crossing points are to be provided and it is considered that due to the sites sustainable location and the use of a travel plan and existing college facilities, the minimal on site car parking is satisfactory.

Overall the proposal is recommended for approval subject to conditions.

## **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **04, 06, 10, 14, 15, 16, 19, 20 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 **04, 06, 10, 14, 15, 16, 19, 20 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.'

01

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

Reason

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

02

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

Drawing numbers:

Elevations – RHE BBA 03001

Floor plans – ground floor RHE BBA 03001, first floor 02002, second floor 02003, roof plan 02004

Site plans – RHE BBA 01002, 512-T-001 E

(received 14 February 2017)

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/shown on drawing no (Design and Access Statement RHE-BBA-Z0-ZZ-RP-A-0003-D5-P2 and Proposed Elevational Materials RHE BBA 03002). The development shall thereafter be carried out in accordance with these details.

Reason

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

Highways

04

The development shall not be commenced until details of the proposed raised table in Doncaster Gate and tactile pedestrian crossing point in Percy Street, as indicated in draft form on the attached plan, have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

These works in the public highway will require an Agreement under S278 Highways Act, 1980.

Reason

In the interests of highway safety and to assist pedestrians crossing the highways.

05

Before the development is brought into use the car parking area shown on the approved plan 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.

06

Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority and the approved details, which shall include on site staff parking, measures to prevent/deal with mud in the highway etc, shall be implemented throughout the duration of demolition/construction works.

Reason

In the interests of highway safety and management as well as the general amenity to the surrounding areas.

07

The measures outlined in the submitted Travel Plan shall be implemented upon occupation of the development.

Reason

In order to promote sustainable transport choices.

General

08

The external lighting details shall be carried out in accordance with the approved lighting plan (ref MMD-364743- 00-ZZ-6301).

Reason

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

09

The building shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is brought into use.

Reason

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

Landscaping

10

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

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'.

#### 11

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

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'.

#### 12

Within 5 years of the commencement of the works no tree shall be cut down, uprooted or destroyed nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree is removed, uprooted or destroyed or dies, within this 5 year period, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

#### 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'.

13

The approved development will be completed in accordance with the submitted Arboricultural Impact Assessment from Bowland Tree Consultancy dated, March 2016, to help ensure the future prospects of the existing trees shown to be retained are not at risk throughout any development.

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'.

14

Prior to the commencement of any development a detailed Arboricultural Method Statement in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction, shall be submitted to the LPA for consideration and approval and the development shall be implemented in accordance with the approved details. The submitted details shall include a detailed Tree Protection Plan.

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'.

15

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

Drainage

16

Development shall not begin until a foul and 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, has 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);
- 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
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

#### 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.

17

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 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.

18

No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the water main i.e. a protected strip width of (6) metres, that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning

Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

#### Reason

In order to allow sufficient access for maintenance and repair work at all times.

19

No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore,

unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

#### Reason

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

#### Land Contamination

20

Prior to the commencement of the development, the developer shall submit a site investigation report for the approval of the Local Planning Authority. The investigation shall address the nature, degree and distribution of contamination on site and its implications on the health and safety of site workers and nearby persons, building structures and services, final end users of the site, landscaping schemes and environmental pollution, including ground water, and make recommendations so as to ensure the safe development and use of the site. The sampling and analytical strategy shall be approved by the Local Planning Authority prior to the start of the survey and all recommendations and remedial works contained within the approved report shall be implemented by the developer, prior to occupation of the site.

#### Reason

In the interests of safe redevelopment and after use of this site and in accordance with UDP Policy ENV4.4 'Contaminated Land'.

21

Prior to commencement of development, an intrusive investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings shall be submitted to the authority. Subject to the findings of the investigation, a Remediation Method Statement shall be provided to the Local Authority prior to any remediation commencing on site. Following the remediation of the site, a Verification Report should be forwarded to the Local Authority for review and comment. The site shall not be brought into use until such time as all verification data has been approved by the Local Authority.

#### Reason

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

22

All subsoils / topsoils imported to site for soil capping works will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination and the results of testing thereafter shall be presented to the Local Planning Authority in the format of a Validation Report. The testing should be undertaken by the developer and prior to the houses becoming occupied, otherwise they may not be fit for purpose and pose a risk to human health. It is not the responsibility of any potential purchaser to do any testing.



#### 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.

23

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority. Works thereafter shall be carried out in accordance with an approved Method Statement.

#### 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.

### **Informatives**

a) South Yorkshire Fire and Rescue

Access for appliances should be in accordance with Approved Document B, Volume 2, part B5, Section 16.

Water supplies should be in accordance with Approved Document B, Volume 2, part B5 section 15.

#### Yorkshire Water

- i) SITE LAYOUT - The drawing should show the 'site surveyed position' of the water main within the site, with required clearance at each side - or agreed diversion route.
- ii) The Flood Risk Assessment (prepared by Turner and Townsend Ltd – Report 364473/YHE/EST/R01/A (revision A) dated 15/03/2016) states that it is unlikely that soakaways would be viable and therefore a discharge into the combined sewer would be appropriate, however, we request soakaways test results in the first instance. The report should considered watercourse if there is one nearby?
- iii) Only subject to satisfactorily discounting soakaway/watercourse as not viable, YWS will discuss a rate of discharge to the public sewer.
- iv) The submitted drawing appears to show a land drain and a land drainage catchpit. Where will the land drainage discharge to?

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: Technical.Sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

## 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.