ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING REGULATORY BOARD

VISIT OF INSPECTION – THURSDAY, 2ND AUGUST, 2018

1. RB2017/1832 - Erection of 28 No. dwellinghouses, details of access and landscaping at land east of Penny Piece Lane North Anston for Duchy Homes & Yorkshire Merchant Securities Ltd.

   Requested by:- Anston Parish Council

   Reason:- To enable Members to view the site due to the contentious nature of the application and the numerous objections lodged.

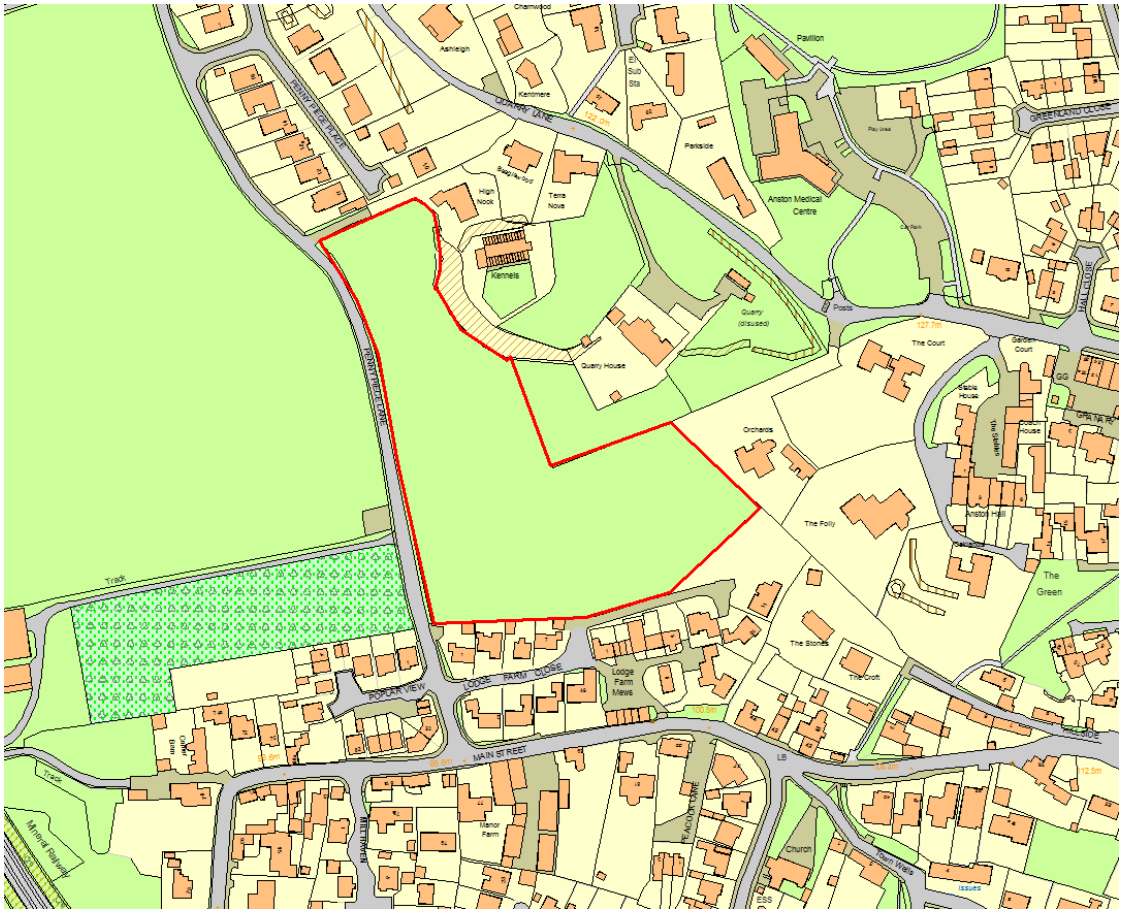
No.	*Application*	*Area*	*Arrival*	*Departure*
1.	RB2017/1832	North Anston	9.25 a.m.	9.45 a.m.

Return to the Town Hall for approximately 10.15 a.m.

SITE VISIT NO. 1 (Approximate time on site – 9.25 a.m.)

Application Number	**RB2017/1832**
Proposal and Location	**Erection of 28 No. dwelling houses, details of access and landscaping at land east of Penny Piece Lane, North Anston**
Recommendation	A That the applicant enters into a Section 106 Agreement under the Town and Country Planning Act 1990 for the purposes of securing the following: • Provision of 25% affordable housing on site • Commuted sum of £500 per dwelling towards sustainable transport measures • Provision of a management company to manage/maintain areas of open space on the site. B That subject to the satisfactory signing of the S106 Agreement, the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.

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



Site Description & Location

The application site is an existing agricultural field set to the east of Penny Piece Lane and is surrounded to the north, south and west by residential development. The site falls on the edge of North Anston. The site measures approximately 1.7 hectares.

The site is bound by Penny Piece Lane to the west. To the north of the site there is Penny Piece Place and to the east there are a number of detached properties that are accessed off Quarry Lane. To the south of the site is Lodge Farm Close. Across the road to the east is open countryside. The North Anston Conservation Area boundary runs centrally through the site. The west site boundaries are formed by stone walling to Penny Piece Lane with hedgerows, trees and post and rail fencing around the remainder of the site.

The site is steeply sloping from the east running down to Penny Piece Lane to the west. There is currently no vehicular access to the site from Penny Piece Lane.

Background

There is no planning history at this site.

CIL:
The development is Community Infrastructure Levy (CIL) liable. CIL is generally payable on the commencement of development though there are certain exemptions, such as for self-build developments. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented simply for information.

Environmental Impact Assessment:
A screening opinion is not required for this development as the site does not exceed the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Proposal

The application seeks full planning permission for the erection of 28 No. dwellings with associated landscaping and a new access road at Penny Piece Lane to serve the development.

The dwellings will consist of 8 different dwelling types consisting of 6 No. 2 bedroom bungalows located to the north of the site adjacent to Penny Piece Place, 12 four bedroom dwellings, 10 five bedroom dwellings. The dwellings are designed in a postmodern design with a mixture of natural stone and red brickwork, with clay pantile roofs. They would have a traditional and broadly vernacular appearance.

6 of the proposed dwellings (25%) would be affordable units, these are 2 bedroom bungalows and are positioned to the north of the site.

An area of open space is planned at the front of the site adjacent to the access fronting Penny Piece Lane.

The site would be developed with the front boundary wall being demolished and re-built to allow for the widening of the carriageway to 5.5m in Penny Piece Lane and the footway on the site frontage widened to 2m. Traffic calming measures will also be provided on the site frontage.

The layout plans allow for access in to the land to the north, which has also been removed from the Green Belt though falls within different ownership.

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

Planning Statement

The majority of the applicant's Planning Statement refers to the site allocated as Green Belt land, which is no longer relevant following the adoption of the Sites and Policies Document. The remaining statement states that:

- The proposed development has been sensitive designed, particularly in respect of the quantum scale and proposed materials of the proposed dwellings to respect its position within and forming the context to the conservation area.

- The submitted plans confirm that the existing boundary wall to Penny Piece Lane will be maintained, and if necessary rebuilt to accommodate any highways realignment proposed.

- The layout of the proposed development provides opportunities for biodiversity enhancement through the additional planting and open space area in the south western corner of the site. Both of these proposed measures will enhance potential habitats for wildlife and will provide a form of sustainable drainage which will also contribute to green infrastructure.

Design and Access Statement

The vision for this site is the delivery of a new residential development that is fully integrated within the existing community of North Anston. The key aspirations of the development are to provide significant enhancements to the overall quality of the environment for both future residents and the existing community. The site can be appropriately developed to meet the strategic housing needs of the borough including market and affordable housing provision. The scheme includes sufficient parking and garage provision for residents and the style, height and character of the dwellings has been designed to respond to the topography of the site.

The proposals have evolved through pre-application discussions with the LPA and public consultation with local residents, councillors and interested parties. The plans demonstrate how the proposals have evolved though these discussions to respond to comments, opportunities and constraints presented by the site.

The proposed land use of the site is mainly residential, including 25% affordable housing, to create a sustainable, integrated neighbourhood that complements its surroundings.

The proposed layout is based on the principles set out in Manual for Streets, South Yorkshire Residential Design Guide and the Rotherham Core Strategy, supporting the creation of a new neighbourhood, where the layout of buildings and public open spaces provide good visibility and legibility, as well as a sense of place. The main access route through the site is designed to create an attractive boulevard from which a secondary route leads to the remainder of the site. Based on pre-application discussions, the design avoids taking driveway access directly from Penny Piece Lane and seeks to provide sufficient parking within the site to deter parking on the main highway. The orientation of the dwellings provides an attractive streetscene both from within the site and when viewed from the surrounding area.

Heritage Statement

- This report finds that the application site makes a minor positive contribution to the character and appearance of the North Anston Conservation Area. The heritage impact upon the conservation area is expected to be 'less than substantial' in NPPF terms and is indeed no more than neutral-minor adverse. This is because none of the special

qualities of the Conservation Area identified in the Appraisal are affected and because the development has been sensitivity designed to respond to the character and appearance of the existing village.

The report concludes that the proposed works generally comply with local and national conservation policy and does not identify any heritage grounds sufficient for refusal of consent. Furthermore, while the development has been found to result in 'less than substantial' harm, significant public benefits have been identified.

Archaeology Report

An intrusive archaeological evaluation was carried out at the site. The evidence gathered during this scheme of works confirms the presence of archaeological remains within the red line site boundary, with the limited dating evidence suggesting the majority of these features are related to the limestone quarries and kilns that dominated later post-medieval North Anston.

Bat Survey

The survey results showed that the proposals are unlikely to result in significant impacts on local bat populations provided that the recommended protection measures are implemented.

The report makes further recommendations for biodiversity enhancement for bats across the site.

Flood Risk and Drainage Statement

- Surface water disposal has been considered in accordance with the drainage hierarchy in Building Regulations Part H 2002 and Planning Practice Guidance "Reducing the causes and impacts of flooding" paragraph 080 which state that disposal via SuDS methods is the preferred option.
- A site investigation has concluded that soakaways are not appropriate for this site, due to the steeply sloping nature of the site. It is proposed that surface water disposal will be to the existing public surface water sewer in Penny Piece Lane which outfalls to Aston Brook.
- The maximum discharge rate will be restricted via a flow control device to 9.4l/s in accordance with the LLFA requirements. Surface water attenuation will be provided on site to cater for the 1 in 100 years + 30% climate change event. The surface water outfall will drain by gravity.
- Foul water will discharge to the existing public foul sewer on Main Street.

Transport Assessment

- This report has provided a commentary on the existing Site and its conditions. The report concludes that the Site is in a sustainable location which provides future residents with opportunities to travel via alternatives modes of transport and minimise trips by the private car.
- The report states that personal injury accident information has been obtained which confirms that no accidents have been recorded in the vicinity of the Site within the latest 5 year period.
- The proposed Site access arrangements and visibility splays have been designed in accordance with Manual for Streets.
- The report states that off-site improvements in the form of carriageway and footway widening together with associated traffic calming features are proposed along the frontage of the development.

- The report concludes that there is no highway or transport related issues that prevent the proposed residential development of the site.

Ecological Appraisal

- The site is of low ecological value and presents no constraints to the proposed development. No significant impacts on protected or notable species, or on designated wildlife sites or important habitats would be expected.
- The report concludes that the no further survey work is required before the site is developed for residential use.
- The report makes a number of recommendations for biodiversity enhancement across the site.

Geo-environmental Appraisal

This report makes a number of recommendations that relate to ground works on the site which need to be undertaken before the site is re-developed for residential development.

Building for life 12 assessment

"The proposed development scheme scored a total of 10 'greens' out of a possible 12, with 2 remaining 'amber' scores. This is a positive assessment demonstrating that good urban design practices have been followed in the evolution of the proposed scheme."

Statement of Community Involvement

The applicants note that on 8th November 2017, approximately 61 letters were posted to local residents and a dedicated website was created to provide further details to the local community. The applicant notes that in total 21 on-line responses were received to the public consultation. The applicant states that the approach to the public consultation has been in accordance with the Council's Community Involvement Statement and that the development proposals have responded positively to the feedback received.

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 the Sites and Policies Document (adopted on 27/06/18) which replaces the Unitary Development Plan (UDP) that has now been revoked.

The application site was allocated for Green Belt purposes in the UDP. However, the Sites and Policies Document allocates the site for 'Residential' purposes on the Policies Map (H82). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS3 'Location of New Development'
CS6 'Meeting the Housing Requirement'
CS7 'Housing Mix and Affordability'
CS14 'Accessible Places and Managing Demand for Travel'
CS20 'Biodiversity and Geodiversity,'
CS21 'Landscapes'
CS25 'Dealing with Flood Risk'

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

SP1 ‘Sites Allocated for Development’
SP26 ‘Sustainable Transport for Development’
SP32 ‘Green Infrastructure and Landscape’
SP37 ‘New and Improvements to Existing Green Space’
SP41 ‘Conservation Areas’
SP55 ‘Design Principles’
SP64 ‘Access to Community Facilities’

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 July 24th 2018. It states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”

The Core Strategy/Sites and Policies Document 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 notices along with individual neighbour notification letters to adjacent properties. 31 letters of objection have been received including one from Anston Parish Council and one from a local Ward Member, who has requested a site visit.

The objectors state that:

- Penny Piece Lane is narrow and currently used as a rat run by HGVs and other vehicles. The residential development of this site would be dangerous in terms of highway safety on this narrow road which has seen a number of accidents within the vicinity.
- Object to the loss of this Green Belt land and the development would harm the openness and character of the Green Belt.
- There are more suitable brown field sites available in the local area for residential development which would be preferable to developing this site.
- There is no need for more housing in this area.
- The proposal provides less than the Council’s 25% affordable housing requirement.
- There is no need for expensive luxury housing in this area. The housing should be affordable for local residents.
- The development would ruin the quiet village character of the surrounding area and would harm the character and appearance of the North Anston Conservation Area by the loss of this open site.
- The Design and Access Statement is inaccurate there is no access from the site to Penny Piece Place.
- The roofs should all be clay pantiles not a mixed palate.
- The new dwellings would overlook and overshadow neighbouring properties.
- Due to level changes across the site the new dwellings would harm the outlook of neighbouring residents. The new dwellings should be single storey only.
- The development would be harmful to ecology across the site including, birds, bats and other wildlife.

- Object to noise and disturbance from the development and from light pollution from the site.
- No local services are close in this part of the village; this would require more car journeys, and public transport from this site is poor.
- Loss of light from proposed trees to be planted across the site.
- Drainage concerns and potential flooding from the site.
- The dwellings should have sufficient parking and the garages should be wide enough for cars to park in.
- The Council have not done enough publicity for this proposal, more neighbours should have been consulted.
- The hedgerow and stone wall to the front of the site will have to be removed to allow for the road to be widened. Object to this. If it happens then the stone wall and hedgerow needs to be reinstated.
- Impact on local services including school places, doctors surgeries and other local services.
- The developer should provide an Environmental Impact Assessment to assess the impact of the loss of this Green Belt land.
- The developer is not providing any open space at the site and there is no mention of a management company to maintain communal areas across the site.
- The site has archaeological significance this should be fully assessed before planning permission is granted for this development.
- The submitted Traffic Report is inaccurate and does not reflect the real situation in terms of vehicle movements and highway safety.
- Parking restrictions should be placed on Penny Piece Lane.
- The new dwellings should have their permitted development rights removed so that the impact on neighbouring residents can be controlled in the future.
- Concerns about the impact on local utilities such as electricity and broadband speeds.
- The development could lead to subsidence to neighbouring properties or lead to damage to boundary walls.
- A structural survey of local road bridges should be required to ascertain if they can cope with the additional traffic.
- Most local residents object to this application and their concerns are being ignored.
- A stone boundary wall should be built between the edge of the site and Lodge Farm Close to prevent overlooking.
- Loss of view
- Local residents have requested a site visit for Members to assess the application.

The Parish Council state that:

- Concerns about the loss of the Green Belt land in the village.
- Deficiency of Local Facilities, this development could impact the school and Doctors Surgery.
- Loss of a view for local residents across the site.
- Loss or effect on ecology including bats and owls and associated wildlife.
- The development will create highways issues with concerns about Penny Piece Lane and highway safety within the vicinity.

Five right to speak requests have been received from neighbours and a local Ward Member who wish to object to the application. The applicant has also requested the right to speak at the meeting.

Consultations

RMBC (Transportation and Highways): With regard to the Transport Statement submitted in support of the application, notes that the survey data is acceptable and that the site could safely accommodate the development proposed.

The Transportation Unit note that the site layout has been amended as per their previous recommendations to include the following amendments;

1) A proposed adopted highway with two private drives serving 28 houses in total. The highways have been designed in accordance with guidance from The South Yorkshire Residential Design Guide.
2) On site car parking facilities comply with the Council's minimum residential car parking standards.
3) Visibility splays 2.4m x 43m shall be provided at the proposed site access with Penny Piece Lane.
4) The adopted carriageway fronting the site (Penny Piece Lane) is to be upgraded by increasing the width of the carriageway to 5.5m and the footway on the site frontage to 2m. Traffic calming measures will also be provided on the site frontage.

The Transportation Unit recommends a number of conditions that relate to the proposed development including the submission of the recommended highway improvements to Penny Piece Lane.

Tree Consultant acting on behalf of the Council: Raises no objections to the proposed development subject to recommended conditions relating to suitable tree protection measures being installed during the construction process.

RMBC (Landscape Unit): Raise no objections to the proposals subject to a detailed landscaping condition.

RMBC (Drainage): Are happy with the fundamentals of the drainage design, but notes that there are details that need to be resolved through a recommended condition.

RMBC (Environmental Health - Land Contamination): The application site is not considered to be at high risk for ground contamination. However, a precautionary condition is recommended to undertake intrusive investigation works should to assess for the presence and extent of contamination to confirm the potential risks to the end uses of the site.

RMBC (Environmental Health): Raise no objections to the proposals in terms of noise nuisance. However, a suitable condition is recommended relating to potential land contamination at the site.

RMBC (Ecology): Is satisfied that the methods used were appropriate and agree with the assessments made. Therefore has no issues with planning permission being granted subject to the submission of a biodiversity enhancement conditions.

RMBC (Affordable Housing Manager): Notes that this scheme provides 6 units on site which equates to 21% of the total scheme, below the Council's 25% target. However, the reduction in the number of affordable housing units is acceptable in this case as bungalows are more "land hungry" as they have a larger footprint than 2 and 3 bedroom houses. Thus on an equivalent basis the 6 bungalows will utilise the same amount of land as 7 x two and three bedroom houses. As there is a very strong demand for 2 bedroom Council bungalows in this locality this level of provision is acceptable in this instance.

South Yorkshire Archaeology Service (SYAS): Notes that the archaeological implications of development on this plot were reviewed as part of the Rotherham LDF Development Sites Assessment undertaken by Wessex Archaeology in 2014. This was a very basic scoping

review, aimed at determining which sites had no concerns and which needed further work. Wessex considered this site (Rotherham LDF0533) as having "uncertain archaeological objections to development". Subsequently, archaeological desk-based assessment and geophysical survey reports have been commissioned and submitted with this application. These have demonstrated some archaeological potential, but the investigation of these can be secured by archaeological condition. For this reason, SYAS recommends approval subject to appropriate conditions.

South Yorkshire Police: No objections subject to relevant conditions.

Environment Agency: Raises no objections.

Severn Trent: Raise no objection to the application subject to a recommend condition relating to the details of foul and surface water drainage being conditioned.

Appraisal

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

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

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

The main considerations in the determination of this application are:

- Principle of development
- Design, scale and appearance, including impact on North Anston Conservation Area
- Provision of open space on site
- Highway issues
- Flood risk and drainage
- Ecology/biodiversity matters
- Landscaping/tree matters
- Impact on existing/proposed residents
- Affordable Housing provision
- Planning obligations

<u>Principle of development:</u>

The site was allocated as Green Belt in the adopted Unitary Development Plan though this Plan has been replaced with the Sites and Policies Document that was adopted on 27 June 2018 and allocates the site for 'Residential' purposes. It forms part of Housing Site H82 (total area 1.88 hectares) and the Sites and Policies Document indicates the total site has a capacity of approximately 38 dwellings.

CS1 'Delivering Rotherham's Spatial Strategy' states that: Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. Dinnington, Anston and Laughton Common are identified as principal settlements for growth, which are identified to provide 1,300 dwellings as part of the Local Plan. This site being within North Anston comprises an integral part of this principal settlement for growth.

CS3 ‘Location of New Development’ states that: ‘In allocating a site for development the Council will have regard to relevant sustainability criteria, including its (amongst other things): proximity as prospective housing land to services, facilities and employment opportunities, access to public transport routes and the frequency of services, quality of design and its respect for heritage assets and the open countryside.

SP1 ‘Sites Allocated for Development’ allocates the site as H82 for a total of 38 dwellings.

With the above policy in mind the site has now been allocated residential as part of the new Sites and Policies Document and as such the principle of residential development is acceptable and the 28 houses on this part of the site is broadly in keeping with indicative Sites and Policies Document allocation of 38 dwellings.

Policy SP64 Access to Community Facilities states: “Residential development should have good access to a range of shops and services. On larger scale residential developments of 10 or more dwellings the majority of homes (minimum of 80%) should be within 800 metres reasonable walking distance (measured from the centre of the site, taking into account barriers such as main roads, rivers and railway lines) via safe pedestrian access of a local convenience shop and a reasonable range of other services or community facilities. This may require the provision of local services or facilities by developers where these requirements would not otherwise be met or where new development would place an unacceptable burden upon existing facilities, unless it can be demonstrated that such provision would not be viable or would threaten the viability of the overall scheme.”

The site accords with Policy SP64 in terms of being within 800m of a number of local facilities, including a post office, medical centre, pub, primary school and local shops.

Design, scale and appearance including impact on North Anston Conservation Area

SP55 ‘Design Principles’ states: “All forms of development are required to be of high quality, incorporate inclusive design principles, create decent living and working environments, and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings”.

This approach is also echoed in National Planning Policy in the NPPF.

The NPPF at paragraph 124 states: “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Paragraph 130 adds: “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, taking into account any local design standards or style guides in plans or supplementary planning documents.”

In addition, CS policy 21 ‘Landscapes’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. Furthermore, CS policy 28 ‘Sustainable Design’ indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

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

The site is roughly divided down the middle by the boundary of the North Anston Conservation Area. As such consideration needs to be given to the impact on the Conservation Area. In this respect, Policy SP41 'Conservation Areas' states that: "Development proposals within or likely to affect the setting of a Conservation Area will be considered against the following principles: (amongst other things)

a. developments are required to ensure the preservation or enhancement of the special character or appearance of Rotherham's Conservation Areas and their settings."

Having regard to the site layout, the applicant has worked with the Council to ensure that the whole site can be comprehensively developed to prevent the need for multiple highway accesses and to achieve the density required as part of the Sites and Policies Document allocation. An access point to the remainder of the allocated housing site has been provided which would allow vehicular access to this land.

The site would be developed with the boundary wall being demolished and re-built to allow for the widening of Penny Piece Lane with a green landscaped area to the south of the frontage of the site which is considered to provide a soft edge to the Green Belt boundary across the road to the west of Penny Piece Lane.

It is considered that this wall is an attractive feature of the site and contributes positively to the character and appearance of the Conservation Area. Whilst it's loss is regrettable, if the stone is re-used and the wall is re-built then it would help to preserve the character of this part of the Conservation Area and would create an attractive entrance feature to the development. However, it is considered reasonable to append a suitable condition requiring the details of the wall are approved and the stone is re-used.

With regard to the design of the dwellings, it is considered that the two storey dwellings located within the Conservation Area are designed to have traditional features and would utilise high quality materials such as natural stone and natural clay pantile roofs. These materials would be used in all the properties fronting Penny Piece Lane (including those not within the Conservation Area) along with the affordable housing bungalows just behind. The applicant proposes that the remaining properties would be constructed of artificial stone and concrete tiles, including many in the Conservation Area, noting that the boundary of the Conservation Area is not reflected by visual features on the ground at present. Within this context, it is the applicant's view that it would be more appropriate to provide stone across the Penny Piece frontage, where it will have a more positive visible impact, than including it further within the site, where particularly to the rear of the site, it will be viewed, to a limited degree, in the context of a brick bungalow.

All the dwellings have adequate amenity space and appropriate outlooks, with internal space exceeding the Council's minimum requirements. The mix of dwellings types is also good with 2 to 5 bedroom properties and affordable units providing a good mixed community.

The scheme also includes a comprehensive landscape scheme with front boundary detailing, tree planting, and front garden lawns. This will help to break up the car parking areas and also provide a good and attractive frontage to Penny Piece Lane and throughout the site.

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set

out in the NPPF and the applicants, through the submission of amended plans, have demonstrated a concerted effort to achieve a well-designed scheme that respects the existing built form and the Conservation Area.

Provision of open space on site

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

a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development
b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required.
c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development
d. Considering the potential of currently inaccessible green space to meet an identified need.
e. Putting in place provision for long term management of green space provided by development
f. Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.
g. Links between green spaces will be preserved, improved and extended by:
i. Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature
ii. Creating or extending green links where feasible as part of green space provision in new developments."

Policy CS22 refers to detailed policies in the Sites and Policies Document that will establish a standard for green space provision where new green space is required. The supporting text notes that informal open space can include (amongst other things) "accessible countryside in urban fringe and rural areas – including woodlands."

Policy SP37 'New and Improvements to Existing Green Space' in the Sites and Policies Document states that: "Residential development schemes of 36 dwellings or more shall provide 55 square metres of green space per dwelling on site to ensure that all new homes are:

(i) within 280 metres of a Green Space
(ii) Ideally within 840m of a Neighbourhood Green Space (as identified in the Rotherham Green Space Strategy 2010); and
(iii) Within 400m of an equipped play area.

The exception to this will be where the characteristics of the site and the nature of the proposals are likely to impact on the delivery of the Green Space or the overall development scheme. In these circumstances, then evidence shall be provided with the planning application to justify any lower level of Green Space provision on site or off site contributions. This shall take into account the nature of the proposed development, and the particular characteristics of the site and the wider local area."

The current application only relates to 28 dwellings and even if taken with the additional land is unlikely to generate the 36 dwellings as suggested in the overall site allocation at H82. Notwithstanding this, the development provides approximately 600sqm of Green Space on site in the form of a landscaped area to the south of the entrance at the front of the site fronting

Penny Piece Lane. This would be accessible for recreational use and would add some visual relief to the development. Furthermore, Greenlands Park is located within a relatively short distance of approximately 550m from the application site. As such, it would not be unreasonable for people living on the new development to walk to it given the village location.

Highways issues

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

a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.

g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.

The NPPF notes at paragraph 109 that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The NPPF further notes at paragraph 111 that: All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed."

The Site Development Guidelines for H82 as set out in the Sites and Policies Document states: "A Transportation Assessment or Statement will be required to identify suitable access to the highway network and promote accessibility by non car modes."

It is noted that neighbouring residents and the Parish Council have raised concerns about the safety of Penny Piece Lane, due to its width and use as a rat run. Neighbouring residents have also raised concerns about the number of accidents on and within the vicinity of Penny Piece Lane and concerns were raised about adding additional vehicular movements from this development.

The Council's Transportation Unit have assessed the proposals and consider that the site is suitable for the number of traffic movements off the new single access. The proposed visibility is acceptable and the provision of on-site parking spaces accords with the Council's minimum requirements.

In addition the applicant has agreed as part of the application to highway improvements along Penny Piece Lane, including the provision of a new footway, traffic calming measures and additional street lighting.

In order to promote sustainable travel choices in accordance with the Council's Sites and Polices Document the applicant has agreed to provide a contribution of £500 per dwelling which would be used on local improvements to aid sustainable travel. Subject to this being secured through the S106 Agreement no objections are raised in terms of sustainability at the site.

It is considered that the development is sited in a sustainable location and would satisfy the provisions of Policy CS14 'Accessible Places and Managing Demand for Travel' and paragraphs 109 and 111 of the NPPF.

Flood Risk and Drainage

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

Paragraph 163 of the NPPF notes that: "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment."

During the course of the application the applicant has worked with the Council to provide additional information to overcome the Drainage Engineer's concerns. The Council's Drainage Engineer has confirmed that the proposed scheme is acceptable subject to a recommend condition requiring the submission of additional details relating to sustainable drainage techniques, the limitation of surface water run-off from the site, and details of the future maintenance responsibility for these drainage features.

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

Ecology/Biodiversity matters

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

The NPPF further advises at paragraph 175 that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity."

The Council accepts the key findings of the applicant's ecology report that the development of the site will not harm local ecology. The Council's Ecologist however recommends a biodiversity enhancement scheme which will include bat boxes and native landscaping to encourage local wildlife.
With this in mind it is considered that the proposals accord with the relevant biodiversity policies and guidance of the NPPF and Policy CS20 subject to the imposition of a condition requiring the submission of a biodiversity enhancement features consisting of bird and bat boxes and native planting in the landscaping of the communal areas.

Tree matters:

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

The site contains only 6 individual trees, 7 groups of trees and 1 hedge positioned on or immediately adjacent to the application site. The proposals include the removal of 2 trees and the hedge and no objections are raised to these being removed. It is considered that suitable re-planting can be accommodating within a landscaping scheme for the site. A condition has therefore been attached requiring that trees to be retained are suitably protected during development.

In view of the above it is considered that the proposals accords with CS21 'Landscapes'.

Impact on existing/proposed residents

SP55 'Design Principles' states that: 'the design and layout of buildings to enable sufficient sunlight and daylight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing."

In assessing the impact of the proposed development on the amenity of neighbouring residents, regard has been given to the South Yorkshire Residential Design Guide.

Further to the above the NPPF at paragraph 127 states that planning decisions should ensure that developments "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users."

In terms of the immediate neighbour at No.3 Lodge Farm Close it is noted that the gable end of Plot 2 would have been located within 12 metres of the rear elevation of this property. Further to negotiations with the applicants they have agreed to re-position the garage on the plot to position the dwelling further away from this property with the single storey garage being located approximately 8 metres from the boundary with this property. The gable end of Plot 2 would be located approximately 20 metres away from the rear elevation of No.3 Lodge Farm Close which is in excess of the Council's minimum spacing standards.

It is noted that neighbouring residents have raised concerns about harm to outlook and overshadowing from the proposed dwellings. However, as the closest dwelling to any neighbouring property is Plot 2 at a distance of approximately 20 metres it is considered that, even taking into account level changes, the new dwellings would not overlook or appear overbearing to neighbouring residents.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 77sqm for 3 bed properties and 93sqm for 4 bed properties. The dwellings proposed all exceed the Council's minimum internal standards and the rear gardens are beyond 60sqm minimum recommend by the Council. As such the scheme will provide a good standard of amenity for future residents.

Having regard to the above it is considered that the proposed indicative layout is in accordance with the guidance outlined in the SYRDG.

Affordable Housing provision

Core Strategy Policy CS7 'Housing Mix and Affordability' states that sites with 15 dwellings or more shall provide 25% affordable housing.

This application will trigger the Affordable Housing Policy of 25% of all homes being brought forward as affordable housing units. However, the Council wishes to encourage developers to build bungalows as affordable housing units. These bungalows are suitable for older people and those with a disability and more housing for both these groups are a priority in the Council's Housing Strategy. Following negotiations with the developers they have agreed to

build 6 bungalows as affordable housing units for rent (21% overall provision). The Council will purchase the bungalows and add them to Council housing stock.

The area of the site which is utilised to build the bungalows is equivalent to 7 market houses which would be the alternative affordable housing offer. This is because the bungalows have a larger “footprint”. Therefore on an equivalent basis the offer of fewer bungalows is the equivalent of 25% market houses, despite falling below the policy level. In this instance, the benefits of specialist housing (bungalows) can justify a reduction in the level of Affordable Housing to below policy level, and comply with Core Strategy Policy CS7.

Other comments raised by objectors

Neighbouring residents have raised concerns about noise and disturbance from the development and from light pollution from the site. Whilst this is noted it is considered reasonable to append an informative about good working practices to any planning permission granted in this respect. With regards to light pollution it is inevitable that the new development will lead to greater light pollution than at present, though it is not considered that this would significantly harm the amenity of neighbouring residents.

Neighbouring residents raised concerns that the Council have not done enough publicity for this proposal, more neighbours should have been consulted. The Council has undertaken and exceeded the statutory minimum requirement in respect of a proposal of this nature, with advert in the press and on site (site notices posted on Lodge Farm Close, Penny Piece Place, Main Street and two on Penny Piece Lane) and all immediate neighbours having been written to. As such, it is considered that the Council has undertaken the appropriate level of publicity for this planning application.

The development could lead to subsidence to neighbouring properties or lead to damage to boundary walls. Whilst this is noted if this were to occur it would be a civil matter between the land owner and the relevant home owner. However, the Council has no reason to believe that this would occur on this site.

It is noted that neighbouring residents have raised concerns about Loss of view. Whilst this is noted, the loss of a view is not a material planning consideration and therefore cannot be taken into consideration in regards to this application.

Planning Obligations

The Community Infrastructure Regulations 2010 introduced a new legal framework for the consideration of planning obligations and, in particular, Regulation 122 (2) of the CIL Regs states:

"(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is-

(a) necessary to make the development acceptable in planning terms;
(b) directly related to the development;
(c) fairly and reasonably related in scale and kind to the development."

All of the tests must be complied with and the planning application must be reasonable in all other respects.

This is echoed in Paragraph 56 of the NPPF.

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

- provision of on site affordable housing in the form of six 2 bed bungalows.
- The contribution of £500 per dwelling towards measures to encourage non car modes of travel.
- Management and maintenance of open space areas on site (including the flood water retention facility).

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 56 of the NPPF and the Community Infrastructure Regulations and are therefore considered to be acceptable.

Conclusion

The site was allocated for Green Belt purposes in the adopted UDP though this Plan has been replaced with the Sites and Policies Document that was adopted on 27 June 2018 and allocates the site for 'Residential' purposes. It forms part of Housing Site H82 (total area 1.61 hectares) and is within 800m of a number of local facilities. As such, the proposal is acceptable in principle.

The scheme is acceptable in terms of the design and layout, and no issues are raised in respect of other material considerations subject to relevant conditions.

As such, the proposal is recommended for approval, subject to the signing of a S106 legal agreement as set out above and 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 7, 10, 13 and 15 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 7, 10, 13 and 15 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.'

<u>General</u>

01
The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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

02
The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) except as shall be otherwise agreed in writing by the Local Planning Authority.

(Drawing Numbers NA/ 004/ 010/ DH – G1/ 014)(Received 01/12/2018)(Drawing Numbers NA – 203 – EL Rev A/ 409 – EL Rev A/ 501 – FL/ 420/EL Rev A/ 420 – FL/ 525 – EL Rev A/ 525 – FL/ 412 – EL Rev A/ 412 – FL Rev A/ 411 – EL Rev A/ 411 – PL/ 001 Rev S/015 Rev E/010 Rev F/ 011 Rev E/ 010 Rev A/)(Received 20/07/2018) (Drawing Numbers NA-016 Rev B)(Received 24/07/2018)

Reason
To define the permission and for the avoidance of doubt.

03
No above ground development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include the construction of a sample panel on site to include the correct colour mortar and window frames. The development shall be carried out in accordance with the approved details.

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

<u>Highways Conditions</u>

04
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 the Local Plan and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems.

05
No above ground development shall commence until full engineering details of the site access arrangements, the proposed traffic calming works, street lighting provision and widening of Penny Piece Lane carriageway and footway,(as shown in draft form on Plan NA-001 Revision L) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the first dwelling.

Reason
In the interest of highway safety.

06
Before above ground development is commenced road sections, constructional and drainage details, and timing of the carrying out of the works, shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented in accordance with the approved details.

Reason
In the interest of highway safety.

07
Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include:

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the construction work;
- the location of the site compound and staff parking;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of proposed hours of construction on/deliveries to the site;

and such further matters as the Local Planning Authority may consider necessary.

The approved measures shall be implemented throughout the construction period.

Reason
In the interests of highway safety and residential amenity.

08
Before the development of plots 19-24 is brought into use the car parking area shown on the proposed site layout to serve these plots shall be provided and marked out, and the area shall thereafter be maintained for car parking.

Reason
In the interests of highway safety.

Ecology

09
A biodiversity enhancement plan, which shall include the provision of bat boxes and bird boxes and timings of works to be carried out, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details.

Reason
In the interest of local ecology.

Archaeology

10
No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.

- The requirement to seek preservation *in situ* of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason**:**
To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

Landscaping

The detailed plans to be submitted in accordance with this outline permission shall include a detailed landscape scheme. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

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

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

Reason
To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity.

12
The trees on the site shall be protected in accordance with the details shown on Drawing NA-008 (Received 01/12/2017). 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 Sites and Policy Document Policy SP33 'Conserving and Enhancing the Natural Environment.'

Drainage

13
No development shall take place 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 a maximum of 9 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 the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications.

Soil storage

14
Details of the quality of soils on site and their movement and temporary storage during construction shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason
In order to preserve and enhance identified soil functions and to minimise dust issues associated with the temporary storage.

Ground Contamination

15
Before the commencement of ground works on site, the applicant shall carry out the all the recommendations made in the Geo Environmental Report ref: C7288. The recommendations are specified on pages 32-40 of the report and the developer needs to ensure that these are complied with in full to protect future occupiers of these residential properties from any significant harm.

Reasons
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.

Levels

16
Prior to the commencement of any over ground development details of the finished floor levels of the approved properties shall be submitted and approved in writing. The development shall be implemented in accordance with the approved levels.

Reason
In the interests of the amenity of the existing residents adjoining the site in accordance with the NPPF and the Development Plan.

Informatives:
01
Control of working practices during construction phase (Close to residential)
You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. 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 the Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

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.