

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 13th September 2018**

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.

Application Number	RB2017/1376
Proposal and Location	Erection of 2 No. dwellinghouses at land to rear 15 Station Road, Laughton Common
Recommendation	Grant Conditionally



This application is being presented to Planning Board due to the number of objections received.

Site Description & Location

The application site consists of land to the rear of No. 15 Station Road and is currently overgrown and disused with a number of mature Poplar trees on site adjacent to the boundaries with properties on The Poplars to the west. The surrounding area is almost entirely residential with planning permission having been granted on land to the east for the erection of 3 dormer bungalows, however, these properties have not been built and the permission has now lapsed.

The site would be accessed off Station Road and would run past No. 15 Station Road, which is a commercial premises and currently used as a shop.

The plot is approximately 0.10 hectares in area.

Background

RB2001/1407: 2 storey extension to form kitchen/toilet and office extension to sign manufacturing premises - GRANTED CONDITIONALLY 17/02/02

RB2013/1600: First floor front extension and erection of workshop to rear - GRANTED CONDITIONALLY 28/01/14

RB2013/1615: Erection of 2 No. dwellings with associated parking & detached garage block - WITHDRAWN 29/01/14

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.

Proposal

The application seeks full planning permission for the erection of 2 No. detached dwelling houses. The dwellings would be constructed of brick with a hipped tiled roof.

The dwellings would be 7.3 metres in height to the ridge, 5.1 metres to the eaves, have a depth of 8.9 metres and a width of 7 metres.

The parking and turning areas would be to the front of the site with gardens at the rear.

During the course of the application 2 No. detached garages which were originally proposed have been removed to provide a larger turning area for a fire appliance within the site. In addition, the dwellings have been moved approximately 0.75m further away from the western boundary and the ridge height of the property lowered to reduce the impact on the properties on The Poplars, and part of the access drive has been widened from 4.2m to 5m.

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

Design and Access Statement

The Design and Access Statement states that the “proposed buildings will have wall and roof materials the same or similar to match existing neighbouring properties and to one another.” It goes on to state that “the site is near to the centres of Dinnington & Rotherham so close proximity to many shops and other amenities.”

Tree Survey

The submitted Tree Survey concludes that “most of the trees are low quality either because they are young, in poor condition, are not significant or have a relatively short life expectancy remaining. Furthermore, because they are in a back garden location they are not particularly prominent in the area, even the tall Poplars. For this reason almost all have been included in the lowest retention category.”

Bat Survey

The Bat Survey concluded that there is “negligible potential” to support roosting bats. The Survey goes on to conclude that there is no evidence of bats using or having previously used the building or any trees on the site.

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 Local Plan allocates the site for ‘Residential’ purposes and for the purposes of determining this application the following policies are considered to be of relevance:

- CS1 ‘Delivering Rotherham’s Spatial Strategy’
- CS20 ‘Biodiversity and Geodiversity,’
- CS21 ‘Landscapes’
- CS25 ‘Dealing with Flood Risk’
- SP47 ‘Understanding and Managing Flood Risk and Drainage’
- SP55 ‘Design Principles’

Other Material Considerations

Council’s Car Parking standards

The South Yorkshire Residential Design Guide

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 Local 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 along with individual neighbour notification letters to adjacent properties. 6 letters of objection have been received from neighbouring residents.

The objectors state that:

- The access point is dangerous with Station Road being a busy road, with a bus stop in close proximity to the site.
- Object to the loss of trees on the site in terms of visual amenity and potential flood risk from the removal of the trees.
- The land is a garden and not a wasteland.
- The dwellings would harm the outlook of neighbouring residents and would lead to overshadowing and overlooking of neighbouring properties.
- The proposal provides less than the Council's 25% affordable housing requirement.
- The access road to the site is too long and the development does not comply with the Council's Supplementary Planning Guidance relating to Backland and Tandem Development.
- Concerns have been raised about the harm to local wildlife including bats.
- A resident has raised questions over the Poplar trees, including their age, whether they were protected when his house was approved planning permission, and whether they are his responsibility & ownership.
- The proposal will devalue the existing houses.

The Council has received 2 right to speak request from neighbouring residents objecting to the application.

Consultations

RMBC (Transportation and Highways): Have commented that the revised layout has overcome their concerns and that:

- 1) A manoeuvring facility for a fire appliance has been provided.
- 2) No pedestrian access to the adjacent business will be taken from the private drive.
- 3) Car parking provision complies with the Council's minimum car parking standards.

The Transportation Unit recommends a number of conditions that require that the proposed turning area is retained for vehicular manoeuvring purposes and that the car parking areas are suitably hard surfaced.

RMBC (Tree Service Manager): Raises no objections to the proposals subject to recommended conditions that include protecting the trees that are proposed to be retained during the construction process and ensuring that the trees to be retained should not be pruned or felled within 5 years.

RMBC (Ecology): The Ecologist concurs with the findings of the Bat Survey and that bats would not be harmed by the proposed development. The Ecologist has recommended conditions requiring the provision of bird and bat boxes at the site.

RMBC (Drainage): No objections.

RMBC (Affordable Housing Manager): Notes that the scale of the development does not trigger a requirement for an affordable housing contribution.

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
- Highway issues
- Flood risk and drainage
- Ecology/biodiversity matters
- Tree matters
- Impact on existing/proposed residents

Principle of development:

The site is allocated for ‘Residential’ purposes in the Local Plan and therefore the principle of residential development is acceptable.

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 Laughton Common comprises an integral part of this principal settlement for growth.

Policy SP12 Development on Residential Gardens Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:

- a. the proposals would allow for a comprehensive scheme in the wider area to be achieved in the future; and
- b. the proposal does not harm the amenity of existing properties by overlooking, loss of privacy, loss of light or obtrusiveness; and
- c. development would not result in harm to the character of the area.

The proposal completes development in this backland location (allowing for the separate development of the adjacent land to the east which has separate access from Rotherham Road). In terms of the impact on neighbouring residents and the character of the area, these are discussed further below.

Design, scale and appearance

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.”

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 located to the rear of No. 15 Station Road and forms a back land site which does not have a street frontage. The site in question is not clearly visible from public views and the dwellings would not be clearly visible from the surrounding roads of Station Road, Rotherham Road and The Poplars.

With regard to the design of the dwellings, it is considered that the two storey dwellings are of an acceptable design and would not harm the character and appearance of the surrounding area, in terms of scale and massing, design or materials. Both dwellings have adequate amenity space and appropriate outlooks, with internal space either meeting or exceeding the Council’s minimum requirements.

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 avoids overbearing impact to neighbouring residents.

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.”

It is noted that neighbouring residents have raised concerns about the development in terms of highway safety. Neighbours have raised concerns about potential harm to highway safety using the existing access point and potential conflict with pedestrians and users of a nearby bus stop.

The Council’s Transportation Unit have assessed the proposals and consider that the site is suitable for residential development subject to the recommended conditions. It is noted that the site layout has been amended to provide a turning area for a fire appliance which has required the removal of the proposed garages.

The proposed visibility is acceptable and the provision of on-site parking spaces accords with the Council’s minimum requirements.

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 SP 47 ‘Understanding and Managing Flood Risk and Drainage’ states (amongst other things):

“The Council will expect proposals to:

- a. demonstrate an understanding of the flood route of surface water flows through the proposed development in an extreme event where the design flows for the drainage systems may be exceeded, and incorporate appropriate mitigation measures;
- b. control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The Council will expect applicants to consider the use of natural flood storage / prevention solutions (such as tree planting) in appropriate locations, and the use of other

- flood mitigation measures such as raised finished floor levels and compensatory storage; and
- c. Consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties.”

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.”

The Council’s Drainage Engineer has confirmed that the site has no identified flood risk and no concerns were raised about the development in terms of potential flooding.

It is noted that a neighbouring resident has raised concerns about the possibility of increased flood risk from the removal of trees on the site. Whilst this is noted the Council has no reason to believe that the removal of the trees would increase the risk of flooding at the site.

Having regard to the above 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.

Policy SP33 ‘Conserving and Enhancing the Natural Environment’ states “Development should conserve and enhance existing and create new features of biodiversity and geodiversity value”

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 Bat survey and that the development of the site will not harm local ecology. The Council’s Ecologist recommends a biodiversity enhancement scheme which will include bat boxes and bird boxes to be installed around the site 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.

Tree matters:

Policy SP33 ‘Conserving and Enhancing the Natural Environment’ states that: “The Council can protect individual and groups of trees by the declaration of Tree Preservation Orders where it is important in the interest of amenity and there is reason to believe that trees are under specific threat.”

The site contains a number of trees that have been identified as being of low quality either because they are young, in poor condition, are not significant or have a relatively short life expectancy remaining. As such, the trees have been identified as being in the lowest category for retention. The Council’s Tree Service Manager notes that a number of trees will all need to be removed to accommodate the development, but that due to their more secluded position away from the main highway this will result in a slight reduction of amenity to the area. The removal of these trees is not objected to as they provide limited amenity with limited future prospects. As a result they do not meet all the criteria for inclusion in a new Tree Preservation Order to prevent their removal. He adds that the future prospects of the remaining trees indicated for retention should not be affected by the proposed development provided they are adequately protected throughout the development.

In view of the above it is considered that the proposals accords with the above Policy.

A resident has raised questions over the Poplar trees, including their age, whether they were protected when his house was approved planning permission, and whether they are his responsibility & ownership. The age of the trees is somewhat irrelevant, the Council's Trees and Woodlands manager does not consider they are worthy of formal protection (by way of a Tree Preservation Order) irrespective of their age. In terms of protection under the permission for the construction of the applicant's property, any such protection only applies for the first few years, to enable the development to take place, after which the Council has to determine if the trees are worthy of more formal protection, which as noted above it is not.

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."

As noted above, Policy SP12 'Development on Residential Gardens' states: "Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:

- b. the proposal does not harm the amenity of existing properties by overlooking, loss of privacy, loss of light or obtrusiveness."

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."

With regards to neighbouring amenity it is noted that the development would comply with the Council's minimum spacing standards.

In terms of the immediate neighbour at Rosewood on The Poplars it is noted that this neighbouring property currently has a high Poplar Tree directly behind which already creates an imposing impact on the residents of this property. This and other Poplar trees would be removed and the gable end of Plot 1 would be located approximately 13.25 metres from the first floor elevation of this property and approximately 8.6 metres away from the rear elevation of this property's conservatory. Further to negotiations with the applicants this distance has been increased from 12.5 metres to approximately 13.25 metres, with the ridge height of the property lowered, to avoid a 25 degree line as measured from the centre of the conservatory window looking towards this property.

It is noted that the development now complies with the Council's minimum spacing standards and the development would therefore not harm the outlook of the residents of neighbouring properties, notwithstanding the existing Poplar trees which currently impact on the outlook.

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. The dwellings proposed exceed the Council's minimum internal standards and the rear gardens are beyond 60sqm minimum recommended in the SYRDG. 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 above Policy and the guidance outlined in the SYRDG.

Other comments raised by objectors

Neighbouring residents have raised concerns that the scheme does not comply with the Council's Supplementary Planning Guidance "Backland and Tandem Development." This Guidance has now been superseded by the recently adopted Sites and Policies Document and therefore no longer forms part of the Local Plan, and as noted above, the scheme complies with current Policy and Guidance.

Concerns were raised that the development does not include adequate provision for affordable housing. Whilst this is noted the level of development does not trigger the Council's affordable housing requirement.

Finally, any impact on property values is not a material planning consideration.

Conclusion

The site is allocated for Residential purposes in the Local Plan which was adopted on 27 June 2018 and is within a sustainable location. 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 following conditions.

Conditions

General

01

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

Reason

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

02

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

(Drawing Numbers 17/010-01/ 02)(Received 19/09/2017)(Drawing Numbers 17/010-03 Rev F/ 17/010 – 03 Rev F/ 04 Rev B)(Received 17/05/2018)
(Drawing Number 17/010-01 Rev A)(Received 03/09/2018)

Reason

To define the permission and for the avoidance of doubt.

03

No development shall 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

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Local Plan Policy

Highways Conditions

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

The area hatched red on Drg No 17/010-03 F shall be made available at all times for vehicular manoeuvring purposes.

Reason

In the interest of highway safety.

Ecology / Trees

06

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.

07

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 Local Plan Policy SP33 'Conserving and Enhancing the Natural Environment.'

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: Trees in Relation to Design, Demolition and Construction and positioned in accordance with the submitted Tree Protection Plan, Plan 3 by Wharncliffe Tree and Woodland Consultancy. 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 Local Plan Policy SP33 'Conserving and Enhancing the Natural Environment.'

09

The development shall be implemented in accordance with the submitted Arboricultural Report, Impact Assessment and Method Statement by AWA Tree Consultants dated, 11 December 2017.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with Local Plan Policy SP33 'Conserving and Enhancing the Natural Environment.'

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.

Application Number	RB2017/1484
Proposal and Location	Erection of 144 No. dwellinghouses with associated car parking, garages, access, landscaping, open space & drainage and new vehicular access on to Upper Wortley Road at land North of Upper Wortley Road, Thorpe Hesley, Rotherham, S61 2PL for Jones Homes (Yorkshire) Ltd.
Recommendation	<p>A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • 36 affordable housing units (25% of total units proposed) on site • Financial contribution of £252,936 towards Education provision for improvements to schools in the Thorpe Hesley area • Financial contribution of £72,000 towards sustainable travel measures to support the development <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the following conditions:</p>



This application is being presented to Planning Board in line with the Council's Scheme of Delegation for major development

Site Description & Location

The application site is located to the north-west of the borough in close proximity to the administrative boundary with Sheffield and just east of Junction 35 of the M1.

The site bounded by residential properties to the north, Thorpe Hesley Infant School and Thorpe Hesley Junior School to the east, Upper Wortley Road to the south and London Way to the west.

The site is approximately 5.8 hectares in size and has an irregular shape. It is largely undeveloped and comprises pasture land with two improved grassland fields used for the purpose of grazing horses.

The site slopes gradually down from the south to the northern boundary by approximately 1.3 metres. Ground level falls more steeply adjacent to and beyond the north eastern boundary. There are few trees within the site however some trees are located just outside the site on the western boundary.

Boundaries on site are mostly post and rail and post and wire fence with some scattered scrub and a short section of stone wall to Upper Wortley Road. There is palisade fencing on the boundary with Thorpe Hesley Infant and Junior Schools at the eastern boundary. There is a variety of residential fencing to the north.

On the southern boundary of the site is Upper Wortley Road, a dual carriageway, which discharges to a single carriageway at the entrance to the school grounds. There is a footpath adjacent to the site which leads to a public right of way which runs from Upper Wortley Road to Brook Hill providing pedestrian access to the village amenities.

The southern boundary of the site opens to provide views of farming land and Lady Clough and Smithy Wood.

The eastern boundary has limited views toward Thorpe Hesley School Grounds which are screened by mature hedgerow.

Background

There have been no previous planning applications submitted relating to this site.

EIA screening opinion

The proposed development falls within the description contained at paragraph 10(b) of Schedule 2 to the 2017 Regulations and meets the criteria set out in column 2 of the table in that Schedule. However the Local Planning Authority, having taken into account the criteria set out in Schedule 3 to the 2017 Regulations, is of the opinion that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

Accordingly the Local Planning Authority has adopted the opinion that the development referred to above for which planning permission is sought is not EIA development as defined in the 2017 Regulations.

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.

Proposal

The proposals comprise the construction of 144 dwellings, with associated car parking, garages, access and landscaping, open space and drainage provision.

The proposals will provide a mix of two, three, four and five bed properties in 8 different house types, including detached, semi-detached and townhouses of either two-storey or two-storey with rooms in roofspace. Each detached dwelling has either an integral or detached garage and 2 no. parking spaces, each of the mews houses has 2 no. parking spaces.

Gateway housing and a landscaped home zone is located at the entrance to the development.

Public Open Space (POS) is located on the northern part of the site and is easily accessible. The POS is located to enable drainage attenuation to be accommodated and the impact of an existing mine shaft to be minimised. The Public Open Space will have children's play equipment sited within it and this will be maintained by a Management Company employed by the developer. Smaller pockets of POS with seating and landscaping are distributed throughout the site. The POS would be approximately 0.80ha (8029m²).

All but three of the proposed dwellings will be served from Upper Wortley Road by means of a new priority junction. A private drive off London Way provides access to three houses. These three houses are proposed to be the last three constructed as this area off London Way is proposed to be used for replacement parking for those vehicles that usually park on Upper Wortley Road to pick up and drop off from the School during construction.

The internal road network is laid out as part traditional road and part shared surface streets, with footpaths running through landscaped areas with a double loop road system.

Pedestrian access to the site will also be provided via the proposed access off Upper Wortley Road with dropped kerbs and tactile paving. Dropped crossings are to be provided within the site where pedestrians need to cross internal roads. A pedestrian link is also proposed onto the existing footpath that runs from Upper Wortley Road to Brook Hill.

The development will provide on street parking spaces within the site as part of a dedicated school parking area for parking displaced from the A629 as a result of the access proposals.

The visibility splays from the proposed access on the A629 could potentially displace approximately 84 metres of on street parking adjacent the site, which is currently used as school drop off / pick up parking. The development proposes to provide 14 car parking spaces within the site as a school car park located on the eastern boundary of the site close to the schools. A pedestrian footpath link would be provided from the parking spaces to the schools.

The scheme has a density of 28 dwellings per hectare

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

Design and Access Statement

The statement provides details on the site, history and the proposed scheme.

Planning Statement

The statement provides details on the site, relevant planning history, stakeholder engagement and policy context.

Biodiversity survey and report

The report provides the results of an Extended Phase 1 Habitat Survey on the land. The report concludes that there were no features suitable to support roosting bats and the site has limited potential to supporting nesting birds. In addition, native trees and wildflower species should be incorporated into the site design.

Transport Statement

The Transport Statement assesses the predicted impact of the proposals on the operating conditions of the local highway network and concludes that the development is sustainable, can be accessed by people and the residual cumulative traffic impact is not severe.

Travel Plan

The Travel Plan details how residents of the proposed development will be encouraged to use alternative sustainable means of travel, and sets out a series of measures which will encourage changes in travel patterns of residents and their visitors.

Road Safety Audit

The Audit considers and reports on the safety implications of the proposed highway works.

In respect of the Central Island the Audit recommends that the kerb buildout is removed from the eastbound carriageway and the existing carriageway width and hatching retained and provide red coloured surfacing within the hatched area on approach to the ghost island to highlight it's presence. In respect of the Ghost Island the Audit recommends that the eastbound diverge from one of the two lanes is moved further to the west of the junction, so that westbound traffic has not developed into two streams prior to the conflict point.

The Audit also identifies three other items, one is classed as non-motorised use provision (pedestrians) and two are classed as road signs, markings and lighting. The recommendation for pedestrians is to provide dropped crossing and tactile paving. In respect of road markings it recommends that the no waiting restrictions on the south side of Upper Wortley Road are extended from the east, to the west past the proposed junction and appropriate junction markings are provided on the minor arm.

Tree Survey

The report assesses the impact of the proposals on the existing tree stock and outlines mitigation actions, where appropriate, to minimise potential damage to the trees which are to be retained. The report concludes that the trees surveyed were generally found in good condition. A single tree has been recommended for removal and several others require pruning. In addition, two groups of trees require removal.

Archaeological Assessment

The report states that the magnetic survey has been able to identify responses indicative of former ridge and furrow, a former field boundary, magnetic disturbance and ferrous debris cause by later development including the routing of Upper Wortley Road. It further states that a fragmentary magnetic response to the west of a former field boundary, identified from First Edition mapping, may have archaeological origins. The report concludes that the overall potential of this site is considered to be low.

Geophysical Survey

The report indicates that there are no known heritage assets within the survey area, however potential prehistoric earthworks, medieval moat and pond features associated with Hesley Hall and evidence of previous mining activity have been identified within the surrounding area.

The report concludes that the overall potential of this site is considered to be low.

Statement of Community Involvement

The statement provides details of pre-application discussions with the Council and the consultation carried out with members of the local community and local Ward Members in the way of a Drop-In Exhibition.

Flood Risk & Drainage Assessment

The assessment discusses the flood risk to the site the report concludes that the sequential and exception tests have been assessed and found that the development is suitable for this location. In addition the site can be developed without increasing flood risk to the site itself and other sites in the vicinity and also without unacceptable residual risk of flooding, with the implementation of suitable mitigation measures.

Land Contamination Assessment and Coal Mining

The report assesses the geological and coal mining aspects of the site.

The report states the materials present on site are compatible with the proposed usage and remedial measures in respect of contamination are not required.

The rotary borehole investigation has confirmed workings within influencing distance of the surface in the Parkgate coal seam. These workings will require treatment prior to development.

A capped shaft is indicated in the north of the site. It is recommended that construction over or in the vicinity of this shaft is avoided. If this is not the case, it is likely that the mineshaft will require recapping following investigation. Dwellings constructed over, or in the vicinity of, the shaft will require appropriate authorisation from the Coal Authority.

No radon protective measures are required for new buildings constructed on the site. Ground gas monitoring has taken place and confirmed that basic ground gas protection is required.

Air Quality Assessment

The assessment concludes that following the adoption of the recommended mitigation measures, the development is not considered to be contrary to any of the national and local planning policies.

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 which was adopted by the Council on the 28th June 2018.

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

Local Plan policy(s):

- CS1 'Delivering Rotherham's Spatial Strategy'
- CS3 'Location of New Development'
- CS7 'Housing Mix and Affordability'
- CS14 'Accessible Places and Managing Demand for Travel'
- CS19 'Green Infrastructure'
- CS20 'Biodiversity and Geodiversity'
- CS21 'Landscapes'
- CS22 'Green Space'
- CS25 'Dealing with Flood Risk'
- CS26 'Minerals'
- CS27 'Community Health and Safety'
- CS28 'Sustainable Design'
- CS30 'Low Carbon & Renewable Energy Generation'
- CS33 'Presumption in Favour of Sustainable Development'
- SP1 'Sites Allocated for Development'
- SP11 'Development in Residential Areas'
- SP26 'Sustainable Transport for Development'
- SP32 'Green Infrastructure and Landscape'
- SP33 'Conserving the Natural Environment'
- SP35 'Protected and Priority Species'
- SP36 'Soil Resources'
- SP37 'New and Improvements to Existing Green Space'

SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP55 'Design Principles'
SP56 'Car Parking Layout'

Other Material Considerations

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

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

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

The revised 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 Local Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

The application shall also be assessed against the guidance detailed within the South Yorkshire Residential Design Guide, the Council's adopted Parking Standards and the Council's 'Delivering Air Quality Good Practice Guidance'.

Publicity

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 24 letters of representation have been received.

The issues raised are summarised below:

- Area is overdeveloped, there are other areas of Thorpe Hesley more suited to this development.
- The site is Green Belt and should not be built on, there are other more suitable sites.

- The development will affect the character of Thorpe Hesley and ruin its appearance.
- Thorpe Hesley Schools are over-subscribed; the additional resources required as a result of this build will damage the school's reputation.
- The estate access road, in close proximity to Thorpe Hesley Schools, will endanger and put at risk the lives of local children.
- Increased traffic flow from the estate will cause severe congestion.
- Parking outside of the school is limited and suffers congestion this will increase.
- Residents of Park View will suffer intrusions of privacy and overlooking.
- Public Transport links will need to be considerably improved.
- Low quality development with no community benefits.
- The removal of green space will contribute to rising pollution levels in the area.
- Increased possibility of flooding.
- Further strain on doctor's surgeries.
- Historical mining activity on the site may affect the site.
- Result in the loss of light to rear gardens.
- The road junction onto Upper Wortley Road could lead to traffic safety issues due to speed of road – would a mini roundabout be a better solution?
- Will a crossing be part of the proposed junction?
- Will funding be put into the school to build an extra classroom?
- The proposed walkway from the estate to the school needs assessing due to land levels.

One letter of support was received with the following comments:

- Will be a positive for the area and provide much needed housing.
- It will not impact on school numbers as the school already takes a number of pupils from outside the village.

A further round of consultation whereby residents who had sent comments in previously were directly notified and several site notices put up giving a further 21 days to comment after the Local Plan was adopted. 8 further letters were received from residents who had previously commented and the additional comments are found below.

- Thorpe Hesley can't cope with more traffic and children in Thorpe Hesley school.
- There are no local amenities to cope with such an influx of people.
- Detrimental development.
- The information in the Transport Assessment is incorrect and out-of-date.
- Area is overdeveloped, there are other areas of Thorpe Hesley more suited to this development.
- The site is Green Belt and should not be built on; there are other more suitable sites.

- The development will affect the character of Thorpe Hesley and ruin its appearance.
- I am supportive of the application as it would provide homes to the younger generation who have grown up in Thorpe Hesley and would like to purchase their own home.
- The proposal will have an adverse environmental impact on the village.

There has been 3 Right to Speak requests received.

Consultations

RMBC – Transportation and Highways Design: Have no objections subject to conditions.

RMBC – Public Rights of Way Officer: There are no existing definitive public rights of way in the proposed development area.

RMBC – Affordable Housing: The application complies with the affordable housing policy of 25% affordable housing on site.

RMBC – Air Quality: Have no objections subject to conditions.

RMBC - Landscape Design: Have no objections.

RMBC – Drainage: Have no objections subject to conditions.

RMBC – Ecology: Have no objection subject to conditions.

RMBC - Environmental Health: Have no objections subject to conditions.

RMBC - Land Contamination: Have no objections subject to conditions.

RMBC – Green Spaces: Have no objections subject to conditions.

RMBC – Education: A financial contribution will be required.

SAGT: Have no objections.

SY Fire and Rescue: Have no objections.

SY Police Architectural Liaison Officer: Have no objections but recommend the development is built to Secured by Design Standards.

South Yorkshire Archaeological Service: Have no objections subject to conditions.

The Coal Authority: Have no objections subject to conditions.

Yorkshire Water: Have no objections subject to 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 to take into consideration in the determination of the application are –

- Principle
- Design, Scale and Appearance
- Transportation issues
- Landscapes and Trees
- Ecology / Biodiversity
- Provision of Open Space on site
- Drainage and Flood Risk
- General Amenity
- Air Quality
- Affordable Housing
- Education
- Minerals
- Land contamination, Coal Mining and Soil Resources
- Archaeology
- Other considerations

Principle

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 which allocates the site for 'Residential' purposes. The site is identified in the Sites and Policies Document within policy SP1 'Sites Allocated for Development' as Housing Site H39 (total area 6.55ha) and it indicates that the total site area has a capacity of approximately 143 dwellings.

CS1 'Delivering Rotherham's Spatial Strategy' states most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. Thorpe Hesley is identified as a Local Service Centre, which is proposed to provide 170 dwellings as part of the Local Plan.

CS3 ‘Location of New Development’ states: “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.”

The site is now allocated residential as part of the Local Plan and as such the principle of residential development is acceptable and the 144 dwellings on the site is broadly in keeping with the indicative Sites and Policies Document figure allocation of 143 dwellings.

Furthermore, the proposal would comply with policy SP11 ‘Development in Residential Areas’ which states areas identified for residential shall be primarily retained for residential uses and all residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies. Accordingly, the proposal would be compatible with the land use of the site and adjoining residential uses.

The NPPF specifies at paragraph 11 that decisions should apply a presumption in favour of sustainable development, which means “approving development proposals that accord with an up-to-date development plan without delay...” This is further supported by policy CS33 ‘Presumption in Favour of Sustainable Development’.

Paragraph 12 of the NPPF states: “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Design, Scale and Appearance

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 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, CS21 ‘Landscapes’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. Furthermore, CS28 ‘Sustainable Design’ indicates that proposals for development should respect and enhance the distinctive features of Rotherham and 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.

Having regard to the site layout, the applicant has worked with the Council to ensure that the whole site can be comprehensively developed to achieve the density required as part of the Sites and Policies Document allocation. Furthermore, the layout proposes one single new junction arrangement onto Upper Wortley Road which would negate the need for multiple highway accesses. A further single access on London Way is also proposed to serve three dwellings.

The new junction to Upper Wortley Road from the site would be provided with landscaped areas and a suitable boundary wall to provide a statement entrance to the estate. This together with the proposed boundary fronting Upper Wortley Road would provide an attractive frontage in this ‘gateway’ location to the Borough from the M1.

With regard to the design of the dwellings it is considered that there will be a mixture of hipped and gable roofed properties both with bay window features at ground and architectural features in respect of heads and sills that would run through the scheme. The five-bed house type would have rooms in the roofspace served with dormer windows to the front and rear. There will also be a mixture of dwellings with internal garages both single and double as well properties with detached garages.

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 some landscape details 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 Upper Wortley Road 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 proposal is considered to be well-designed scheme that respects the character of the immediate surrounding area. No precise details of materials have been provided at this stage, but it the dwellings in terms of size, scale, form, design and materials would be standard house types used by the developer on other similar sites and in general would be acceptable.

Transportation issues

Paragraph 109 of the NPPF states: "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."

CS14 'Accessible Places and Managing Demand for Travel' states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, 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.

SP26 'Sustainable Transport for Development' states development proposals will be supported where it can be demonstrated that the proposals make adequate arrangements for sustainable transport infrastructure; local traffic circulation, existing parking and servicing arrangements are not adversely affected; the highway network is, or can be made, suitable to cope with traffic generated, during construction and after occupation; and the scheme takes into account good practice guidance.

Policies CS14 and SP26 are supported by paragraphs 108 and 110 of the NPPF.

SP56 'Car Parking Layout' states layouts must be designed to reduce the visual impact of parking on the street-scene; discourage the obstruction of footways and ensure in-curtilage parking does not result in streets dominated by parking platforms to the front of properties.

The site is ideally located with bus stops on Upper Wortley Road outside the site providing existing and future residents with public transport links to Rotherham, Sheffield and Barnsley. In addition the site is in close proximity to the M1 motorway at junction 35 which ensures it would be suitably located for people to get to work or access leisure, retail, health and public services.

The amended site layout complies with both the guidance and principles of the South Yorkshire Residential Design Guide and Manual for Streets. In addition the proposed car parking levels on site comply with the Council's minimum residential standards.

In respect of the proposed access to Upper Wortley Road, a stage 1 Road Safety Audit has been submitted in support of the proposed new access and the report is acceptable in principle. However, the scheme relies on the provision of waiting restrictions in Upper Wortley Road so that visibility is not impeded by cars parking when dropping off / picking up children from the nearby schools. South Yorkshire Police have been consulted and have no objections in principle to the proposed waiting restrictions. Accordingly, the developer will be required to fund the Traffic Regulation Order and associated works.

The scheme if implemented will obviously displace the cars dropping off children and this has been a main thread running through the majority of objections received. To address this the developer is to provide a temporary car park accessed via London Way for parents until the permanent facilities which are to be provided within the site are available.

The likely anticipated trip generation from a site of this size and nature using information derived from the TRICS database are:

Peak Period	Arrive	Depart
AM	22	58
PM	53	31

As part of the Transport Assessment Scoping Study process, it was agreed that detailed junction capacity modelling would be required at the following junction location:

- Upper Wortley Road / Site Access (Proposed Priority Junction)
- Upper Wortley Road / London Way (Existing Priority Junction)
- Upper Wortley Road / M1 / Cowley Hill (Existing Priority Roundabout)

The modelling assessments have indicated that the proposed scheme will not be detrimental to traffic flows and that all junctions will operate well below capacity.

Furthermore, the proposed site access has been modelled and appears to work well, design and implementation of the changes to the highway should be made through a s278 agreement.

In respect of car parking, the arrangement of residents parking and potential provision of EV charging will need to be agreed and conditioned. The development would re-provide on street parking spaces within the site as part of dedicated school parking area for parking potentially displaced from the A629 as a result of the access proposals.

Pedestrian access to the site will be provided via the proposed accesses off Upper Wortley Road and London Way with dropped kerbs and tactile paving provided. Dropped crossings are to be provided within the site where pedestrians need to cross the internal access roads. A direct pedestrian link is proposed within the site which is convenient for the existing bus stops on Upper Wortley Road. A pedestrian link is also proposed from the site to the existing public footpath that runs from Upper Wortley Road to Brook Hill which is convenient for bus stops on Brook Hill.

The Transport Statement submitted with the application claims that the site is accessible by public transport, which is accepted given the close proximity to bus stops on London Way, Hesley Lane and Upper Wortley Road. However, no consideration has been given to the spare capacity of the services available.

There are no specific cycle facilities in the existing highway network in the immediate vicinity of the site. Nevertheless, there are a range of amenities and employment areas accessible via the local highway network, located within an acceptable cycling distance (5km) of the site.

In respect of road safety there have been a total of 24 incidents that have occurred in the local area, of which 22 were classed as slight severity, 1 was serious severity and 1 was fatal. There seems to be no linked causal factors. While accident risk may increase with changes to the traffic flow characteristics or volumes, the potential increase in the vehicle trips generated by the development is unlikely to materially affect the road safety record on the local highway network.

A travel plan linked to the trip rates in the Transport Assessment have been submitted and the travel plan is an acceptable framework that should be supported by funds from the £500 per house sustainable transport contribution, secured by a s106 agreement.

The transport statements together with the internal road layout plans and new junction to Upper Wortley Road indicate that subject to conditions the local highway network will be able to cope with traffic generated once the development is completed and a Construction Traffic Management Plan will be supported and approved before works commence to ensure disruption during construction is kept to a minimum. Finally, the scheme in respect of highways has been designed by taking account of good practice guidance.

Taking the above into account and subject to the applicant entering into a S106 agreement for the sustainability contribution there are no highway reasons to refuse planning permission in a highways context. Accordingly, the scheme is considered to be in compliance with the relevant paragraphs of the NPPF, Local Plan policies CS14 ‘Accessible Places and Managing Demand for Travel’, SP26 ‘Sustainable Transport for Development’ and SP56 ‘Car Parking Layout’ and the relevant guidance including the Council’s adopted Parking Standards, Manual for Streets and South Yorkshire Residential Design Guide.

Landscape and Trees

The site was assessed in September 2013 as part of the Landscape Character and Capacity Assessment and forms part of the Wentworth Parklands – Fringes character area. The site was considered to have medium landscape sensitivity and medium capacity to accommodate the proposed use.

The majority of the site is unimproved grassland with fragmented vegetation along the east and west boundaries and the southern boundary comprises deteriorating stone walls, low quality timber fencing and sporadic tree growth creating an unattractive ‘gateway’ frontage with weak character.

The openness of the southern boundary and the sites close proximity to a major road corridor into Rotherham would make development visually significant.

Policy CS19 ‘Green Infrastructure’ states: “Rotherham’s network of Green Infrastructure assets...will be conserved, extended, enhanced, managed and maintained throughout the borough...”

Policy CS21 ‘Landscape’ states: “New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes...”

Policy SP32 ‘Green Infrastructure and Landscape’ states: “The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development...”

The proposed site plan shows a significant number of trees are to be planted within the site, which is welcomed and the importance of including this at an early stage so that adequate space is made available with suitable species selection along for successful future growth is acknowledged.

A development of this scale in this location will be visually significant particularly when viewed from the south of the site. The proposals indicate a landscape buffer along the southern edge of the site which would help to enhance the developments interface with the A629 road corridor and provide a visually significant gateway feature into Rotherham from the M1 Motorway.

It is considered that subject to a condition requiring the submission of a detailed landscape masterplan showing details of new planting including siting, size and species and proposed boundary treatments including position, design, materials and type to be erected, the proposal would enhance the quality, character, distinctiveness and amenity value of the site within the immediate surrounding area and result in an attractive ‘gateway’ site. Accordingly, the scheme from a landscapes perspective would comply with Local Plan policies CS19 ‘Green Infrastructure’, CS21 ‘Landscape’ and SP32 ‘Green Infrastructure and Landscape’.

Ecology / Biodiversity

Paragraph 170 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

Policy CS20 ‘Biodiversity and Geodiversity’ states: “The Council will conserve and enhance Rotherham’s natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources ...”

Policy SP33 ‘Conserving the Natural Environment’ states: “Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery...”

Policy SP35 ‘Protected and Priority Species’ states: “Planning permission for development likely to have a direct or indirect adverse impact on the following will only be granted if they can demonstrate that there are no alternative sites with less or no harmful impacts that could be developed and that mitigation and / or compensation measures can be put in place that enable the status of the species to be conserved or enhanced.”

The submitted Extended Phase 1 Habitat Survey and bat survey submitted in support of the application is considered to raise no significant issues and its contents are generally supported.

However, the Council’s Ecologist has recommended that native trees and wildflower species are incorporated into any subsequent landscape scheme that will be submitted and any vegetation clearance is undertaken outside of the breeding bird season (March – August). Furthermore, they have indicated that a condition should be imposed requiring details of how bat bricks / tiles shall be incorporated into the fabric of the dwellings to provide opportunities for roosting bats to maintain continued ecological function in accordance with the aforementioned policies and to provide net gains for biodiversity. In

addition a further condition shall be imposed requiring the submission of a lighting plan to help minimise light pollution and to reduce the impact on retained habitats.

Therefore from the information provided and subject to conditions the proposal would help minimise impacts on biodiversity and provide net gains for biodiversity. Accordingly, the scheme would be in compliance with paragraph 170 of the NPPF and Local Plan policies CS20 Biodiversity and Geodiversity'; SP33 'Conserving the Natural Environment' and SP35 'Protected and Priority Species'.

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..."

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.

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

- i) within 280 metres of 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 proposal comprises of 144 dwellings and the type and quantity of green space which will normally be required as a result of housing developments of this scale includes children's play space, informal space and informal landscaped areas.

An extensive area of public open space, offering a space for play and relaxation has been created as part of the development proposal to the northern end of the site and landscape treatment is partially directed by a large underground water storage tank located beneath the grassed area. This area will contain open grass amenity area for informal recreation, meadow areas requiring appropriate mowing regimes, new native woodland groups, individual trees, paths and an equipped play area. Secondary smaller areas of public open space are located within the scheme, having a more restricted palette of mown grass, paths, trees and seats.

In order to satisfy the requirements of SP37 the proposal would need to provide a minimum of 7920 sq. metres of public open space. The scheme hereby proposed would provide 8029 sq. metres of public open space. As such the scheme is compliant with the policy SP37. Furthermore, the proposed specification and function of this space is considered to be an appropriate response to meeting the open space and play requirements that will result from the development.

Paragraph 96 of the NPPF states: "Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities." Paragraph 98 states: "Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users..."

It is considered that by achieving a good amount of public open space on site it will offer residents with opportunities for sport and physical activity, and together with the site providing access to the local footpath network to access existing open space to the west of the site, the scheme will give opportunities for the improvement in the health and well-being of the community.

Further to the above, it is considered that although Thorpe Hesley appears well served in terms of open space provision, as there is a site located less than 0.5km from the site to the west on Hesley Lane, access to it from this development would be confined to the southern boundary. This is due to land ownership issues and difference in land levels which restrict access through the site in other locations i.e. onto Hesley Lane, London Way and Brook Hill. In addition the surrounding spaces appear to offer limited potential for structured recreational activity (i.e. formal play space). Accordingly, the open space hereby proposed is considered to be of an appropriate size for the scale of the development and the proposals for the inclusion of an equipped play area are welcomed and supported.

It is therefore considered that the public open space hereby proposed is of an appropriate size and will provide appropriate facilities and opportunities for future residents of the site as well as residents of existing surrounding properties. Accordingly, the scheme would satisfy the requirements of paragraphs 96 and 98 of the NPPF and Local Plan Policies CS22 'Green Space' and SP37 'New and Improvements to Existing Green Space'.

Drainage and Flood Risk

The site is located with Flood Zone 1, but given the size and scale of the development there is potential for increased surface water flows through the development that could impact on future residents of the scheme and existing residents of neighbouring properties.

A flood risk assessment and drainage details have been submitted in support of the application.

Policy CS25 ‘Dealing with Flood Risk’ states 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. Furthermore, policy SP47 ‘Understanding and Managing Flood Risk and Drainage’ states the Council will expect proposals to demonstrate an understanding of the flood route of surface water flows through the proposed development; control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS) and consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding problems. These policies are supported by paragraphs 163 and 165 of the NPPF.

The Council’s Drainage Engineer has previously raised concerns about how the attenuation tank can be accommodated within the existing topography and the effect of the modifications required to the ground profiles and the proposed increase in tank size to provide a volume of 2,646 cubic metres has increased these concerns.

The tank as shown on the latest drawings is indicative only and could be improved to make more efficient use of the space available and details of the final design would need to be approved by Yorkshire Water to allow the system to be adopted, and this could also necessitate changes to the current proposal.

Notwithstanding the above, the Council’s Drainage Engineer has indicated that the drainage design and calculations are acceptable and are willing to withdraw their previous objections to the proposal from a drainage perspective subject to conditions being appended to any permission to ensure a foul and surface water drainage scheme for the site is submitted and approved before works commence and a flood route drawing is also provided before the dwellings are occupied.

Further to the above it is of note that Yorkshire Water has raised no issues with the scheme subject to conditions.

It is therefore considered that subject to conditions the proposed development would comply with the requirements of the NPPF at paragraphs 163 and 165 and policies CS25 ‘Dealing with Flood Risk’ and SP47 ‘Understanding and Managing Flood Risk and Drainage’. As such it would raise no drainage or flood risk issues either to future residents of the site or residents of existing surrounding properties.

General Amenity

Paragraph 127(f) of the NPPF states 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, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Local Plan policy CS27 ‘Community Health and Safety’ states: “Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.” Policy SP52 ‘Pollution Control’ states: “Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity.

In respect of amenity there are two elements

- i) the impact of the construction phase on existing local residents; and
- ii) the impact of the development once constructed on the amenity of both existing local residents and future residents of the site.

Impact of the construction phase on existing local residents

In relation to construction, while some noise is to be expected with development works of this scale it is important to limit the impact of the works on existing nearby residents. Good construction practice and appropriate consideration of working hours should ensure that this occurs. This will be secured by the imposition of a condition requiring the submission of a Construction Management Plan which include details of access to the site for construction vehicles, traffic management during construction work, location of site compounds and staff parking; measures to with dust and mud on the highway; and details of hours of construction and deliveries.

Impact of the development once constructed on the amenity of both existing local residents and future residents of the site

With regard to the impact of the dwellings once constructed on the occupants of existing properties that surround the site, it is noted that spacing distances between rear elevations of the proposed dwellings and both the rear boundaries and rear elevations of surrounding properties satisfy the requirements outlined within the South Yorkshire Residential Design Guide. In that there is at least 21 metres between principle elevations and at least 10 metres between principle elevations and rear boundaries. Accordingly, the proposed dwellings would not give rise to any overlooking or privacy issues. In addition, the proposed dwellings would not appear overbearing or oppressive when viewed from neighbouring properties or from within adjacent private rear gardens due to the spacing distances, land levels and boundary treatments; and would not give rise to any overshadowing or a significant loss of direct sunlight and / or natural daylight.

Further to the above it is noted that the spacing distances between proposed properties within the site would all satisfy the spacing distances outlined in the South Yorkshire Residential Design Guide and all properties are provided with private rear gardens in line with the South Yorkshire Residential Design Guide. Accordingly, by virtue of the distance between properties, proposed boundary treatments, land levels and orientation of the site there would be no overlooking or privacy issues between properties and there would be no detrimental overshadowing of habitable room windows or proposed private rear amenity spaces.

In addition to the above it is noted that noise of neighbouring noise sensitive receptors may cause an issue to future residents of the site. It is accepted that the M1 should have limited impact on the development given the geography. However, there are two sources of potential concern; Upper Wortley Road (the main arterial road nearby) and Thorpe Hesley School, although these will not affect the whole development, only those properties which border / adjoin them are likely to be impacted.

It is noted that properties bordering Upper Wortley Road are to be positioned no nearer to the carriageway than those which exist there, although some consideration of location of bedrooms and living rooms on quieter facades away from the noise source should be considered along with garden fencing and good construction techniques to mitigate any concerns regarding road traffic noise.

In respect of those properties bordering the school, the new properties are of different orientation and could be affected in ways existing residents are not.

The law is clear that residents moving to an area have a right to complain if they are affected by Noise, irrespective of the views of existing neighbours and in most cases it is the use causing the nuisance that is liable regardless of how long they have been insitu for. Accordingly, a condition is proposed to be imposed requiring the submission of a scheme for protecting the proposed noise sensitive development from noise sensitive sources which may include details of some acoustic barriers, together with consideration of the internal layout of the properties that would be affected.

With regard to crime and the fear of crime it is noted that the South Yorkshire Police Architectural Liaison Officer has recommended that the scheme be designed in accordance with Secured by Design principles. Furthermore, the scheme proposes dwellings with windows in the side elevations overlooking parking areas and footpaths to provide additional natural surveillance.

In respect of air quality the Council's Air Quality officer has indicated that the proposal would not impact on national or local air quality objectives.

No details have been submitted about the impact of artificial lighting, however as requested by the Council's Ecologist a condition will be appended seeking the submission of a Lighting Plan.

Having regard to the above it is considered that subject to conditions the proposed development would not adversely affect the amenity of existing neighbouring residential properties or the amenity of future residents of the proposed development. Accordingly, the scheme would comply with paragraph 127(f) of the NPPF, Local Plan policies CS27 'Community Health and Safety', SP52 'Pollution Control' and the South Yorkshire Residential Design Guide.

Air Quality

Policy CS30 'Low Carbon & Renewable Energy Generation' states: "Development must seek to reduce carbon dioxide emissions thorough the inclusion of mitigation measures..."

With regard to the above and to the Council's 'Delivering Air Quality Good Practice Guidance' a key theme of the NPPF is that development should enable future occupiers to make "green" vehicle choices and paragraph 110 states amongst other things that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Therefore, electric vehicle recharging provision for new residential is expected as there will be significantly increased demand in future years during the lifetime of this development. It is noted that all new petrol and diesel cars will be banned from sale by 2040 in England. Therefore, there will be a large increase in ownership of Electric Vehicles over the next few years.

The Government has mandated Rotherham and Sheffield Council's as Clean Air Zone authorities. A Clean Air Zone is a zone where, vehicle owners are required to pay a charge to enter, or move within, a zone if they are driving a vehicles that does not meet the particular emission standard for their vehicle type in that zone. Therefore, given the sites location close to the boundary with Sheffield Council's administrative area and despite not falling within a specific Air Quality Management Zone, air quality is an issue that will need to be addressed.

Given the size and scale of the proposed development an Air Quality Impact Assessment was submitted with the application, along with additional information as requested by the Council's Air Quality Officer. To address the above air quality issue the developer has stated that the development will include electric vehicle charging infrastructure into the design of the site. Recharging points will be installed at a ratio of 1 for every 10 car parking spaces as per the Rotherham Air Quality Action Plan and the sum for installation of these will contribute towards that outlined in the damage costs calculation.

The information outlined above would ensure that the scheme complies with policy CS30 and paragraph 110 of the NPPF. In order to ensure the charging points are appropriate and sited appropriately a suitably worded condition shall be appended to any approval seeking details of the type and location of the electric charging points to be agreed before the development is brought into use.

Affordable Housing

In regard to affordable housing provision, policy CS7 'Housing Mix and Affordability' states:

- a) Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community.
- b) The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:
 - a. Sites of 15 dwellings or more shall provide 25% affordable homes on site...

The developer has confirmed that 25% of the units proposed on site will be affordable and the unit types are acceptable. This will be achieved by the Council entering into a Section 106 agreement.

Education

The school which is adjacent to the site is the only primary school within the Thorpe Hesley area. Education have confirmed that the school has an increasing number of pupils attending and are close to capacity and this development will add further pressure to the school.

The school is not listed in the 123 Reg list of the Council's adopted CIL document; as such the Council can request a financial contribution via a s106 agreement.

A financial contribution of £2342 per dwelling minus the affordable housing units, which equates to £252,936 has been requested toward education provision for improvements to schools in the Thorpe Hesley area.

The developer has agreed to this and forms part of the s106 agreement.

Minerals

The site is located within a Mineral Safeguarding Area, policy CS26 'Minerals' states: "Proposals for non-mineral development within the Mineral Safeguarding Areas...will be supported where it can be demonstrated that:

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

The applicant considers the need for development in this location outweighs the need to safeguard minerals in the future and that it is not possible to extract the minerals in an environmentally acceptable way, without unacceptable impacts on neighbouring uses or the amenity of local communities. This assessment is supported and as such policy CS26 has been satisfied.

Land Contamination, Coal Mining and Soil Resources

The site from historic records has remained largely undeveloped, a public highway previously crossed the southwestern part of the Northern Area of the site, but this part of the site has since been restored to agricultural use. Part of the site to the northernmost boundary formed a small part of a former sandstone quarry although there is no evidence of infilling. Evidence of mine workings, namely pits and shafts have been noted in the vicinity of the site, and an air shaft (associated with underground mining) located in the north since at least 1890.

There is no indication of any significant potentially contaminating use of the site, although there is a possibility that contamination may be present in any fill material, if present, and any manmade or naturally occurring contaminants, including mines waste, in the existing topsoil.

It is considered that subject to standard conditions being imposed requiring the submission of a Verification Report upon completion and to inform the Council should unexpected significant contamination be encountered during construction works, the scheme would not pose a risk to future residents in respect of land contamination.

Further to the above, the site falls within the defined Development High Risk Area in respect of historical coal mining workings. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of the application, specifically both actual and probable shallow coal mine workings, a thick coal outcrop and a recorded mine entry (shaft).

Information has been submitted by the applicant, which recommends that the existing cap and shaft lining is removed down to bedrock and a new, appropriately designed reinforced cap is installed. The Coal Authority have indicated that the treatment of the mine entry and the remediation of shallow underground mine workings within the Parkgate Coal seam are appropriate and supported. Therefore subject to a condition requiring the submission of a scheme of remedial works for the recorded mine entry and shallow underground mine workings for approval and the implementation of those remedial works, the proposal would not impact on historical coal mining workings in the area and would not cause a risk to the development of this site.

In addition to the above policy SP36 'Soil Resources' states: "Development will be required to demonstrate the sustainable use of soils during construction and operation stages, where appropriate and to be determined in discussion with the Local Planning Authority."

No information regarding the above has been submitted by the applicant. However, a suitable worded condition requiring the details of the quality of soils on site and their movement and temporary storage during construction to be submitted and approved would be sufficient to satisfy the above condition. Furthermore, the imposition of a condition requiring the submission of a Construction Management Plan to minimise dust issues and mud on the highway, together with details of traffic management measures will provide further protection.

Archaeology

The archaeological implications of development on this plot were reviewed as part of the Local Plan Site Assessment undertaken by Wessex Archaeology in 2013. This was a very basic scoping review, aimed at determining which sites had no concerns and which needed further work. Wessex considered this site as having "Potential archaeological objections to development". Following this review, the South Yorkshire Archaeology Service (SYAS) recommended that any developer commissions an archaeological desk-based assessment. Following this, it is likely that an archaeological evaluation will be required.

An archaeological desk-based assessment has been carried out by Prospect Archaeology and has been submitted in support of the application. This confirmed the potential for archaeological features within the proposed development area. The conclusion of the assessment is that archaeological evaluation by geophysical survey and trial trenching is required. SYAS confirmed that they agree with this recommendation, but indicated that this evaluation should ideally be undertaken before a planning decision is made and the results submitted as further supporting information.

The applicant has submitted a draft geophysical survey report and supporting plans with historic mapping now separated from the geophysical data, which acknowledges the potential for mining remains but there seems to be little that can be discerned from the geophysical survey results. A scheme of archaeological trial trenching to investigate this and whilst this should ideally be undertaken prior to determination it can be dealt with by way of condition.

Therefore, subject to conditions requiring a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation to be submitted and approved before works commencement.

Other considerations

The issues raised by residents have been considered as part of the consideration of this application. All of the issues raised have been assessed and addressed in the preceding sections of the report and it is considered that for the reasons outlined above the proposal is in compliance with the requirements of the National Planning Policy Framework, the Council's adopted Local Plan and relevant guidance documents. The proposal is therefore considered to comply with the up-to-date development plan and there are no material considerations that would conflict with this, thus as advocated in paragraph 11 of the NPPF the proposal constitutes sustainable development and the application should be approved "without delay".

Conclusion

It is concluded that notwithstanding the objections received the application represents an acceptable form of development on residential allocated land which is of an appropriate design that would not adversely affect the character or appearance of the locality. Furthermore, subject to conditions, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or drainage, ecological, environmental or mining concerns, while providing much need affordable housing. The application is therefore recommended for approval subject to conditions and the signing of a s106 agreement for the provision of 25% affordable housing on site and financial contributions towards improvements to schools in Thorpe Hesley and sustainable travel measures.

Recommendation

- A. That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:
 - 36 affordable housing units (25% of total units proposed) on site
 - Financial contribution of £252,936 towards Education provision for improvements to schools in the Thorpe Hesley area
 - Financial contribution of £72,000 towards sustainable travel measures to support the development
- B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development 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 **06, 10, 15, 19 and 20** 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 **06, 10, 15, 19 and 20** 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 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):

000-001 rev AT, received 17 August 2018
000-011 rev A, received 9 October 2017
Birch-P-10 rev C, received 9 October 2017
JHY-BOWD-2014-P-11, received 9 October 2017
JHY-CRAN-P-01, received 9 October 2017
LANG-P-01, received 9 October 2017
JHY/LATCH-II/P/01 (2013-2017), received 9 October 2017
JHY/STRAT/P/01, received 9 October 2017
JHY/THOR-A-P-01, received 9 October 2017
3768-011-003DG, received 9 October 2017
000 015, received 16 July 2018
000 016, received 16 July 2018
000 017, received 16 July 2018

000 018, received 16 July 2018
000 043, received 17 August 2018

Reason

To define the permission and for the avoidance of doubt.

Materials

03

No dwelling hereby approved shall commence construction above ground 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.

Landscapes

04

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

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

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

Reason

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

05

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

Amenity

06

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.

07

The construction works hereby permitted shall not commence until a scheme for protecting the proposed noise sensitive development from noise from surrounding sources (including roads and a school) has been submitted to and approved by the local planning authority. All works which form part of the scheme should be completed before (any part of) the (noise sensitive development) is occupied. As part of this, consideration should be given to the design of internal layouts to situate less noise sensitive rooms on facades facing the noise source. Rooms with windows on both quiet and noisy facades (e.g. lounge/diner or kitchen/diner) may be effectively vented by openings on the quiet elevation.

It may be appropriate to engage an appropriate noise consultant to undertake appropriate assessment of the site in order to inform proposals for this scheme.

Reason

In the interest of amenity of future residents of the development.

Air Quality

08

Before the development commences above ground level, details of electric charging points for the development and their location approved shall be submitted to and approved in writing by the Local Planning Authority. The electric charging points shall be installed in accordance with the approved details within timescale to be agreed in writing and shall be maintained as such.

Reason

In the interests of air quality and to provide appropriate facilities for electric vehicles.

Drainage

09

The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment prepared by Sanderson Associates (Report 8043/TW/001/04 dated 19/09/2017), unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of satisfactory and sustainable drainage.

10

Above ground 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 limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/hectare);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% 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 the development can be properly drained.

11

A flood route drawing showing how exceptional flows generated within or from outside the site will be managed including overland flow routes, internal and external levels and design of buildings to prevent entry of water, 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 the development can be properly drained and will be safe from flooding.

Green Spaces

12

Prior to the occupation of the first dwelling details relating to the construction, implementation and subsequent maintenance of the Public Open Space and play areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved proposals within a timescale agreed, in writing, by the Local Planning Authority.

Reason

To ensure the provision of appropriate public open space and play areas and to ensure the long-term sustainability of these areas.

Ecology

13

No dwelling hereby approved shall commence construction above ground until details of bat boxes and / or bat roosting opportunities and their location have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within a timeframe to be agreed in writing by the Local Planning Authority.

Reason

To provide opportunities for roosting bats to maintain continued ecological function and to ensure the scheme provides a biodiversity gain.

14

Prior to the first dwelling being occupied an external lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Plan should:

- use low pressure sodium lamps or high pressure sodium instead of mercury or metal halide where glass glazing is preferred due to its UV filtration properties;
- show lighting directed to where it is needed and light spillage avoided. This can be achieved through design and using accessories such as hoods, cowls, louvres and shields;
- provide lighting as low as guidelines permit;
- direct light to the immediate area only by using as sharp a downward angle as possible.

Reason

To minimise light pollution and to reduce the impact on retained habitats.

Coal Authority

15

Prior to commencement of development details of a scheme of remedial works for the recorded mine entry and shallow underground mine workings shall be submitted to and approved by the Local Planning Authority. The approved remedial treatment works shall be implemented prior to works commencing on site.

Reason

To ensure the safety and stability of the proposed development and wider site.

Land Contamination

16

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.

17

Following completion of the construction phase, a Verification Report should be forwarded to the Local Authority for review and comment. The Verification Report shall include details of the remediation works and any relevant quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. The site shall not be brought into use until such time as the Verification Report 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.

18

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local 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.

Archaeology

19

Part A (pre-commencement)

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.

Part B (pre-occupation/use)

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.

Highways

20

The development shall not be commenced until details of the proposed alterations to the road markings in the A629 Upper Wortley Road fronting the site as indicated in draft form on Drg No 000-001 Rev AT have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the site access with Upper Wortley Road is utilised by vehicles.

Reason

In the interests of highway safety.

21

Prior to the commencement of works in Upper Wortley Road the temporary car park accessed from London Way as shown in draft form on Drg No 000 043 shall be provided for use by parents delivering / collecting children from nearby schools and shall thereafter be maintained until such time as the permanent car parking facilities indicated on Drg No 000-001 Rev AT have been provided.

Reason

In the interests of highway safety.

22

Before the development is brought into use, that part of the site to be used by vehicles shall be properly 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.

All to the satisfaction of the Local Planning Authority and shall thereafter be maintained in a working condition.

Reason

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

23

Before the development is brought into use the car parking area shown on the proposed site layout 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.

24

Before above ground works commence road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority.

Reason

No details having been submitted they are reserved for approval.

25

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a time bound programme of implementation, monitoring and regular review and improvement. 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 programme of implementation.

Reason

In order to promote sustainable transport choices.

Informatics

01

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.

02

Access for appliances should be in accordance with Approved Document B, Volume 1, part B5, Section 11.

03

This development would benefit from being built to Secured by Design standards by ensuring:

- Residents should be able to view their own vehicles from within their property
- All footpaths must be as straight as possible and well-lit with no dark areas.
- All public open space should be well overlooked, utilising gable end and corner windows.
- All landscape should be kept low below 1m and trees to have no foliage below 2m.
- All rear boundaries should be at least 1.8m high to prevent access into rear gardens.
- Lockable 1.8m high gates should be used as close to the front of the building as possible.
- Front and back entrances should be well lit.

- All doors and windows should be to PAS 24:2016 the required standards for Secured by Design.
- All ground floor and vulnerable glazing must be laminated.
- Garage doors to be to Loss Prevention Standard, SR 1.

04

It is recommended that any vegetation clearance (includes all ground level vegetation as well as standard trees and scrub) undertaken within the site is conducted outside of the breeding bird season (March – end August inclusive) or in accordance with checking surveys undertaken by appropriately qualified ecologists prior to and during the construction phase of the development.

05

The applicant is advised that agreement “in principle” of a Written Scheme of Investigation (WSI) with South Yorkshire Archaeology Service does not preclude the need to formally submit the agreed WSI to the LPA, under Part A of condition number [*archaeological condition number*]. Undertaking any site works before this has been done - and the WSI approved in writing by the planning case officer - may result in formal enforcement action.

06

It should be noted that in respect of condition 20 these works will necessitate a section 278 agreement under the Highways Act 1980 and include for an extension to the waiting restrictions along Upper Wortley Road required by the Safety Audit and have an agreement in principle from South Yorkshire Police).

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2018/0923
Proposal and Location	Erection of memorial wall, statue & plinth and associated works at Coronation Park, Laughton Road, Dinnington
Recommendation	Grant subject to conditions



This application is being presented to Planning Board due to the number of objections received.

Site Description & Location

The application site is located in the south western corner of Coronation Park which is a public park located off Laughton Road to the north of Dinnington town centre. The park is square in shape with the Dinnington Colliery pit wheel placed in the centre. The Dinnington War Memorial is located in the north eastern corner of the park adjacent to Laughton Road.

Background

No planning history.

Proposal

The proposal is for the erection of a memorial wall in 3 sections with a plinth located in front of the centre of the main section of the wall for a statue of a life sized miner. The wall would be constructed with memorial bricks which would have the names of miners etched on who worked at Dinnington Colliery. The highest brick piers would be a maximum of 1.56 metres in height with the lower brick piers being 1.1 metres in height. The memorial would be accessed via a block paved area.

The miner statue would measure 2.45metres in overall height standing on top of the plinth. The statue would be constructed of black granite.

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 Space purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

CS22 Green Space
CS28 Sustainable Design
SP46 'War Memorials'
SP55 'Design Principles'

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 Local 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 notices along with individual neighbour notification letters to adjacent properties. The Council has received 21 representations in support of the application and 9 representations objecting.

The comments in support are summarised below:

- The memorial is a good thing for Dinnington as it commemorates the contribution of miners to the village.

Comments from the objectors are summarised below:

- There are existing memorials to miners and the mining industry in Dinnington and there is no need for another.
- The memorial would overshadow the war memorial and harm its setting.
- The design and appearance of the memorial is inappropriate and it would be an eyesore.
- The money for the memorial should be spent in the local community instead.
- The memorial takes up too much of the park.
- Questions asked about who would qualify for inclusion on the memorial bricks and what would happen if the memorial bricks were exceeded and there wasn't enough space to memorialise other miners.

The Council has received 1 right to speak request from an objector.

Consultations

RMBC (Transportation and Highways): Raise no objections to the proposals.

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 the application are:

- Principle of development
- Design and appearance of the memorial.
- Other issues raised by objectors.

Principle of development:

The site is allocated as Green Space in the Local Plan.

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 (amongst other things):

- 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. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development.”

The memorial would include a wall in three sections and a statue of a miner. It is a long standing and established tradition to place public memorials in public spaces such as parks and public squares. It is considered that whilst the memorial would take up some space in the park it would not limit the enjoyment of the park by members of the public or, due to the layout and size of the park, reduce opportunities for outdoor recreation.

As such, it is considered to be acceptable in principle in this location and would provide an enhancement of Coronation Park by adding an additional feature to it.

Design and appearance

Policy CS28 – Sustainable Design notes 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.”

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”.

SP46 ‘War Memorials’ states that “Where development proposals may impact upon War Memorials or their siting, Memorials should be retained in situ, if possible, or otherwise sensitively relocated following appropriate community consultation.”

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.”

The proposed memorial is considered to be of an attractive appearance and design and would create a focal point for this section of Coronation Park. It is considered that the memorial would commemorate local residents who worked in the mining industry and would help to enhance local distinctiveness.

It is noted that local residents have raised concerns about the impact on the setting of the adjacent war memorial. Whilst this is noted the war memorial is at the opposite corner of the park and is a distinct feature in its own right and it is considered that the proposed memorial would not conflict with it in terms of status or its setting. As such, it is considered that the memorial is acceptable in terms of design and appearance and would provide a visual enhancement to Coronation Park and the surrounding area.

Other issues raised by objectors

Concerns were raised by objectors relating to the need for a memorial for miners when there are already a number of memorials to miners and to the mining industry in the Dinnington area. Concerns were raised that the money for the memorial would be better spent on other community projects and questions were asked about who would qualify for inclusion on the memorial bricks and what would happen if the memorial bricks were exceeded and there wasn’t enough space to memorialise other miners. Whilst these comments are noted they are not material planning considerations and as such have not been taken into consideration in regards to this application.

Conclusion

The memorial is considered to be acceptable in principle in a public park designated as Green Space in the adopted Local Plan. The scheme is considered to be acceptable in design terms and would not harm the character and appearance or the function of the park. Indeed it is considered that the memorial would enhance Coronation Park by adding a feature of community interest in this public location.

As such, the proposal is recommended for approval, subject to the recommended conditions.

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)

(Drawing numbers 18001 – BP01/SP02/ SP03 Rev A/ /LP01)(Received 06/06/2018(Drawing numbers 18001 - DET01 Rev C)(received 20/07/2018)

Reason

To define the permission and for the avoidance of doubt.

03

No development above ground level shall commence until details of the external surfaces of the development are submitted for approval by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason

In the interests of visual amenity in accordance with Local Plan Policy.

04

Prior to the installation of the statue hereby approved, details of the appearance of the statue shall be submitted for approval by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason

In the interests of visual amenity in accordance with Local Plan Policy.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.