

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING REGULATORY BOARD

VISIT OF INSPECTION – THURSDAY, 4TH OCTOBER, 2018

1. **RB2017/0215** – Erection of 108 No. dwellinghouses on land off Nethermoor Drive, Wickersley

Requested by:- Chair and Vice-Chair of the Planning Board

Reason:- To allow Members to get a clearer understanding of the site in the context of existing built form and proposed access.

<u>No.</u>	<u>Application</u>	<u>Area</u>	<u>Arrival</u>	<u>Departure</u>
1.	RB2017/0215	Wickersley	9.30 a.m.	9.50 a.m.

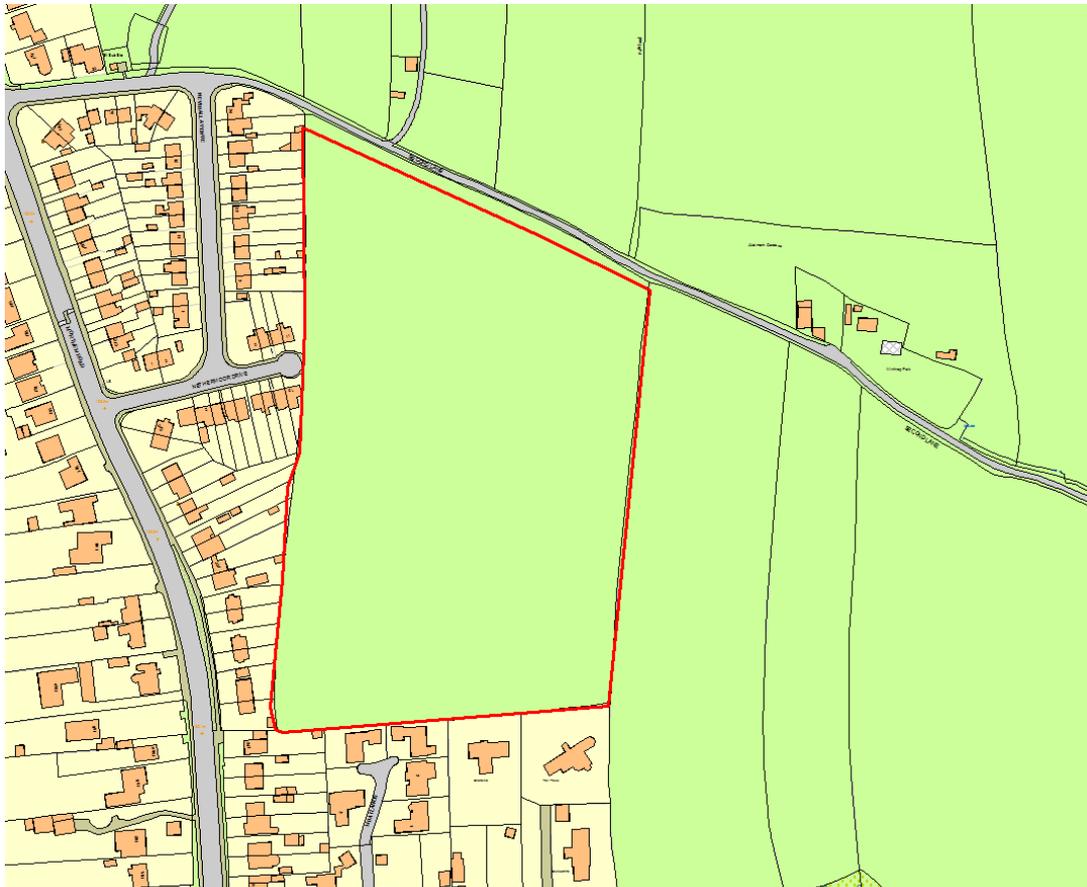
Return to the Town Hall for approximately 10.10 a.m.

Meeting to commence 10.15 a.m.

SITE VISIT NO. 1 (Approximate time on site - 9.30 a.m.)

Application Number	RB2017/0215
Proposal and Location	Erection of 108 No. dwellinghouses on land off Nethermoor Drive Wickersley
Recommendation	<p>A That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none">• 25% on site affordable housing provision• Commuted sum of £500 per dwelling towards sustainable transport measures• Establishment of a Management Company to manage and maintain the areas of Greenspace, including the proposed LEAP. <p>B Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>

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



Site Description & Location

The application site is a parcel of agricultural land which is located to the east of houses on Newhall Avenue, Nethermoor Drive and Morthen Road and to the north of properties on Moatlands and Moat Lane. The site is to the south of Second Lane, and there are agricultural fields beyond to the east.

There are hedgerows along the boundaries of the site. The site rises from north to south and is approximately 4 hectares in area.

To the south east corner of the site, three trees identified as G18, G20 and T19 are protected by Tree Preservation Order No. 10, 1995.

Background

Relevant Planning History

RH1967/5388 Outline for residential development – refused 08/01/1968

RH1970/6462 Outline for residential development – refused 07/09/1970

RH1971/7100 Outline for residential development – refused 05/06/1972

RB1976/0239 Outline for residential development - refused 16/06/1976

RB1984/1659 Outline for residential development – refused 21/02/1985. The reasons for refusal were –

1. The site is shown as unallocated on the approved Rotherham Rural District Town Map, 1st Review. The site is within the Green Belt on the Draft Green Belt subject Plan for Rotherham District, which has been subject of public participation, wherein it is the policy of the Local Planning Authority not to permit new residential development except where justification as being essential in the interests of agriculture.
2. Second Lane is of restricted width (2.6m approx.) and lacking in separate pedestrian facilities. Land outside the application site would be required to enable the access to be upgraded to a suitable standard, as a consequence of which, vehicular conflict on Second Lane would be likely to result, to the detriment of road safety
3. Visibility at the Nethermoor Drive/Morthen Road junction is considered to be deficient to cater for any additional vehicular traffic which may utilise the street. Also the use of Nethermoor Drive by additional traffic would be likely to result in a significant loss of amenity for existing residents, particularly from noise nuisance.

RB2017/0514 – Erection of 48 dwellings, on land to the north of Second Lane – Undetermined.

Community Infrastructure Levy

The development is Community Infrastructure Levy (CIL) liable. CIL is generally payable on the commencement of development though there are certain exemptions, such as for

self-build developments. The payment of CIL is not material to the determination of the planning application. Accordingly, this information is presented simply for information.

Environmental Impact Assessment

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

Whilst it is acknowledged there is a further planning application across Second Lane in close proximity to this application site (under reference RB2017/0514) the two planning applications are different projects which have been submitted separately, under separate application numbers, each comprising separate red edge boundaries with separate points of access and different owners, and are being considered separately. For this reason the consideration of the development against the EIA Regulations has been applied on an individual basis.

Proposal

The applicant seeks full planning permission for the erection of 108 dwellings and associated works. The original proposal included vehicular access from Second Lane together with a second point of access from Nethermoor Drive. The application has been amended through the process and the vehicular access from Second Lane has been removed, leaving only one vehicular entrance/exit off Nethermoor Drive.

The internal layout of the development has also been amended on numerous occasions, both by the developer and at the request of the Local Planning Authority, and includes an increase in the amount of open space on the site, which has resulted in the loss of one plot reducing the scheme to 108 dwellings.

Dwellings proposed include 11 No. 2 bed dwellings, 27 No. 3 bed dwellings and 70 No. 4 bed dwellings. The proposal includes the provision of 25% on site affordable housing units, which equates to 27 dwellings. The types of houses proposed are a variety of terraced, semi-detached and detached units.

A children's play area in the form of a 'Local Equipped Area for Play' (LEAP) is proposed to the north of the site, close to Second Lane.

The following documents have been submitted in support of the application –

Planning Case Report

This document has been updated in view of adoption of the Local Plan in June 2018, and the revision of the NPPF in July 2018 and the NPPG.

The document notes that the revised NPPF indicates that the presumption in favour of sustainable development should be on the basis of every planning decision to proactively drive and support sustainable economic development to deliver the homes that the country needs. It sets out a policy aim to boost significantly the supply of housing and indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant housing policy at local level should not be considered up-to-date if a five-year supply deliverable housing cannot be demonstrated by the Council. In such cases applications for housing development should be assessed having regard to the provisions of the NPPF.

It notes that the proposal is wholly consistent with the thrust of the Core Strategy, Sites and Policies DPD and the revised NPPF to boost significantly the supply of housing and to deliver a wide choice of high quality homes. As such the principle of the development of the site is in accordance with the Development Plan and current national policy in respect of housing delivery.

It goes on to state that the site is located within a highly sustainable location, with excellent access to social and physical infrastructure. The development fully aligns with the Core Strategy Spatial Strategy in that it will contribute towards the planned growth for the Bramley, Wickersley and Ravenfield Common Principal Settlement for Growth (Core Strategy Policy CS1). The proposed development will be in keeping with the local characteristics and proposes a mix of property types without detriment to neighbouring amenities. The settlement characteristics and the site's opportunities and constraints have been assessed in the supporting Design and Access Statement, as have the consideration of the existing green infrastructure proposed on site open space and landscaping.

It concludes that the proposal is fully policy compliant and has demonstrated there to be no technical issues which would prevent the grant of planning permission.

Design & Access Statement

This concludes that the proposal will offer a range of high quality homes to suit a wide range of purchasers, which will complement the current housing stock and respect the character of the area. It states that the proposals will create a sensitive, locally responsive development; it will be robust, legible and accessible and will contribute positively to the settlement, delivering a safe and attractive environment rooted firmly in its place from the outset; it will create a desirable place that will stand the test of time and that people will be proud of and want to inhabit for many years to come.

Transport Assessment

A Transport Assessment was submitted in support of the application originally. An addendum TA was also submitted at the request of the Local Planning Authority to review the A631 Bawtry Road/Morthen Road roundabout junction. The TA looks at the transportation issues relating to the application site and concludes that the scheme accords with local and national policy to site development adjacent to good transport linkages and other attractions so as to minimise trips and share trip movements.

It states that traffic flows have been assessed for up to date levels and had no capacity issues based on a robust view of the flows and no capacity issues are expected to arise with the junction itself. As such the scheme would have little or no impact on the local network.

Biodiversity Report & Surveys

A report was originally submitted in support of the application, and this has been updated to include issues raised by the Local Planning Authority. The report concludes that the majority of the site, being short ephemeral vegetation on arable land, supports species-poor habitat which is not considered a constraint to development.

Hedgerows found along the boundaries present habitat of slightly greater ecological value and these features should be retained and protected where possible. The report proposes Ecological Enhancement in the form of bat and bird boxes to be incorporated

into a number of the new builds, and the use of native species throughout the landscaping.

Air Quality Assessment

Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of earthworks and construction activities. It is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level.

Potential impacts during the operational phase of the proposals may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. Dispersion modelling was therefore undertaken in order to predict pollutant concentrations at sensitive locations as a result of emissions from the local highway network both with and without the development in place. Results were subsequently verified using local monitoring data. Review of the dispersion modelling results indicated that predicted air quality impacts as a result of traffic generated by the development were not significant at any sensitive location in the vicinity of the site.

Based on the assessment results, air quality factors are not considered a constraint to the development.

Arboricultural Report

The tree survey was originally submitted with the planning application, however an amended tree survey has been submitted to include shadow plans of the trees. The survey concludes that the trees were generally found to be in good order and that there are two groups of trees and one tree outside the application site which are protected by a Tree Preservation Order. No trees are proposed to be removed as part of the proposal.

Flood Risk Assessment

This report states that the site does not lie within the area shown on flood maps as at risk and is not at significant risk of flooding from any source. The site can be drained by infiltration techniques. In areas where soakaways are suitable individual plot soakaways shall be utilised. Outside of these areas the surface water run off shall be directed into a below ground system, which discharges to infiltration basins at the northern part of the site. Foul water from the site will discharge to the public combined sewer in Second Lane via a gravity connection.

Historic Environment Assessment

An initial Archaeological Assessment was submitted with the planning application. It concluded that there is no recorded archaeological evidence of prehistoric activity within the proposed development site, although there was evidence for these periods in the form of cropmark features and chance finds within the study area. Therefore, there may be potential for the survival of prehistoric or Roman sub-surface features within the site. It is probable that the majority of the proposed development site has remained primarily in agricultural use since at least the medieval period, and this may have helped to preserve unrecorded earlier buried archaeological features or deposits.

The proposed development will not cause 'harm' to the setting of any Listed Buildings or other nationally or locally designated heritage assets within 1km of the site boundary or

beyond. The proposed development will not alter the character of the Wickersley Conservation Area.

Geo-environmental Appraisal

This states that ground conditions typically comprise medium sands and gravels (granular residual soils) over Wickersley Rock Sandstone bedrock at an average depth of 2.2m. Stiff clays (cohesive residual soils) are predominantly present in the far south of the southern parcel; where the underlying bedrock is siltstone, also encountered at an average depth of 2.2m.

This site is underlain by Wickersley Rock Sandstone bedrock, and the shallowest coal seam (Brecks Coal) is likely to lie at sufficient depth so as not to pose a risk to the surface, especially given its very limited thickness (max. 0.35m). Whilst the site lies within a Coal Authority Low Risk area, no significant risks have been identified, and an intrusive mining investigation will not be required. There are no known or suspected areas of landfilling within 250m, and the site is not in an area considered susceptible to mines gas, nor is it underlain by shallow mineworkings.

Interim Travel Plan

This is submitted as a strategy to sustainably manage the number and types of trips generated by a development thus reducing the need to travel in the first place. The report concludes that the site is considered to be accessible by public transport, walking and cycling in accordance with planning policy guidance for a semi-rural area.

Affordable Housing Statement

This states that 27 affordable homes are to be provided through the development which consists of 16 three bed and 11 two bed dwellings.

Statement of Community Involvement

A Statement of Community Involvement was produced in support of the application. This showed that an extensive letter drop was undertaken to around 200 properties within the locality of the site, including working draft of layouts for comment. In addition, both the Parish Council and Ward Councillors were notified of the proposed development and detailed design proposals, with the scheme being presented to Parish Councillors at the 16 January 2017 Parish Meeting.

A total of 19 responses were received during the consultation period. The comments received were reviewed by the applicant. Of the comments raised, concerns largely related to vehicle movements and traffic impacts together with the potential for overlooking and loss of privacy.

It states that the applicants are committed to delivering a high quality residential scheme that will deliver much needed new homes and provide a range of social benefits.

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 27th June 2018) which replaces the Unitary Development Plan (UDP) that has now been superseded.

The application site was allocated for Green Belt purposes in the UDP, however, the recently adopted Sites and Policies Document removes the site from the Green Belt and allocates it for Residential use. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 Delivering Rotherham's Spatial Strategy
CS3 Location of New Development
CS6 Meeting the Housing Requirement
CS7 Housing mix and affordability
CS14 Accessible Places and Managing Demand for Travel
CS19 Green Infrastructure
CS20 Biodiversity and Geodiversity
CS21 Landscape
CS22 Green Space
CS23 Valuing the Historic Environment
CS24 Conserving and Enhancing the Water Environment
CS25 Dealing with Flood Risk
CS27 Community Health and Safety
CS28 Sustainable Design
CS32 Infrastructure Delivery and Developer Contributions
CS33 Presumption in favour of sustainable development

The Sites and Policies Document – June 2018:

SP1 Sites Allocated for Development
SP11 Development in Residential Areas
SP26 Sustainable Transport for Development
SP32 Green Infrastructure and Landscape
SP33 Conserving and Enhancing the Natural Environment
SP34 Sites Protected for Nature Conservation
SP35 Protected and Priority Species
SP36 Soil Resources
SP37 New and Improvements to Existing Green Space
SP39 Design and Location of Green Space, Sport and Recreation
SP42 Archaeology and Scheduled Ancient Monuments
SP43 Conserving and Recording the Historic Environment
SP47 Understanding and Managing Flood Risk drainage
SP52 Pollution Control
SP54 Contaminated and Unstable Land
SP55 Design Principles
SP56 Car Parking Layout
SP57 Sustainable Construction
SP64 Access to Community Facilities

Other Material Considerations

Other material considerations include as follows:

South Yorkshire Residential Design Guide

Manual for Streets

Council's Car Parking Standards

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. It was last updated on 17th September 2018.

National Planning Policy Framework: The NPPF came into effect on July 24th 2018 (replacing the original 2012 version). It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

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 original application was advertised in the press, on site and by individual neighbour letters; and letters of objection were received from the occupiers of 15 properties along with 1 from Wickersley Parish Council, and a petition with 41 signatures. In addition, 1 letter in support was received. Comments are summarised below –

- The site is within the Green Belt
- The agricultural land should not be lost - the field is needed for farmers to grow crops
- Harm to the countryside
- There is no need for houses in the area
- Pedestrian safety will be impacted by the development
- The roads will not be able to cope with the traffic which will be created, and are already gridlocked/congested
- Highway safety concerns/increase risk of accidents
- Traffic surveys have been undertaken on bank holidays rather than normal working days
- The proposal does not include enough car parking
- Impact of the development on Wickersley Woods
- There is a lot of wildlife in the area which would be affected
- Ecology surveys not undertaken at the correct time of year.
- Who will be responsible for hedgerows?
- Pressure on local services e.g. schools, NHS, Wickersley Centre, Nurseries, Dentists
- Strain on water resources and flooding
- Noise pollution will affect the tranquil peace of the area
- Additional air and noise pollution
- Plot 45 is too close to the boundary
- Plots 42-45 will overlook the existing garden infringing privacy with 4 new dwellings overlooking the garden
- There is a brownfield site in Thurcroft that should be developed first

- HS2 is to run nearby affecting the countryside further
- Impact/loss of existing views
- Will the development be sustainable e.g. solar panels and wind turbines?
- Where will the children play?
- There have already been many developments in Wickersley
- Decrease value of property
- The Council and developers have not followed the correct process
- No direct contact with residents from RMBC or Wickersley Parish Council
- Communication with residents sent at the beginning of school holidays when people are away which is underhand behaviour hope that the Council is not allowing such development in return for financial incentives

Sir Kevin Barron, MP for Rother Valley passed on comments that he had received from a resident raising the following issues –

- The site is Green Belt
- Wickersley is growing and hardly any of the original buildings remain
- When will the country be full?
- Traffic congestion
- Local facilities – schools, doctors increase demand on parking
- Infill development is favourable to that on Green Belt Land
- Increased emissions
- Other derelict areas should be developed instead of Green Belt.

Wickersley Parish Council's comments are summarised below –

- The development should have 2 points of access, however the one-way proposal on Second Lane is unacceptable and dangerous to pedestrians. Second Lane should be widened with a footpath provided.
- The development should reflect the local environment as well as creating a character of its own. The site should sit within a stronger landscape framework. Existing trees and hedgerows should be retained. There should be a 5m buffer to the Green Belt Boundary.
- The proposal is a regimented layout with uninspiring standard house types. There should be a more flowing street pattern picking up some of Wickersley's local vernacular.
- Affordable Housing is supported, however the market housing is almost all 4 bedroom detached homes which does not reflect the needs of local people.
- The Affordable Housing parking should not be at the front with long lines of hard surfacing.
- Strain on local highway network and local services e.g. schools and medical centres
- All mature trees should be accommodated in the development
- Clarification is required on drainage matters and emissions

A petition had been received which includes the same letter signed by 41 people. All 41 letters request the Right to Speak at the Planning Board meeting.

The contents are summarised below –

- The site is Green Belt and should be protected.

- The design is out of keeping with the area
- The density of the site is too high.
- Second Lane is used by many walkers, so will be unsafe
- Increased demand on local services
- None of the Parish Council issues have been addressed
- The community has not been involved in the application.

Following adoption of the Sites and Policies Document which removed the application site from the Green Belt and now allocates it for residential purposes, the amended application was re-advertised in July 2018 and objection letters were received from the occupiers of 49 properties. Additional comments to those above are summarised below

–

- Access is inadequate for the number of dwellings
- Access is not adequate for emergency vehicles with cars parked on the road
- There is no parking in Wickersley centre; the development will exacerbate the traffic and safety problems.
- Highways safety implications on Morthen Road; Morthen Road/Bawtry Road roundabout; traffic speeds; junctions with Morthen Road; inclusive provision for all road users; insufficient footpaths
- Existing footpaths are inadequate
- Smaller routes close by are already used as cut throughs
- Inadequacies with the submitted traffic survey and travel plan
- Roads are congested in winter when there is snow and ice.
- Already issues with water pressure in homes
- Will it make existing problems with sewage treatment plant worse?
- A tree has been illegally removed from the top of Nethermoor Drive which would have been an issue for access.
- The loss of hedgerows and ecology. Why are existing hedgerows not protected?
- Houses cannot be constructed without the removal of trees
- The proposal destroys the landscape and openness enjoyed by existing residents
- There is no justification to locate two storey dwellings immediately adjacent to existing bungalows.
- The terrace house is not dissimilar to slum housing
- No attempt to introduce buffer zones to lessen impact on existing residents
- Terrace properties located close to existing properties, with larger new dwellings being located adjacent to the Green Belt
- Privacy should be protected by appropriate fencing.
- Out of character and over-dominant in the landscape.
- Spacing standards should be increased adjacent to existing residents as a human right, as it is disrespectful
- Contrary to South Yorkshire Residential Design Guide
- A Design Review is requested as endorsed by the Design Council with the support of the RTP1
- There should be a landscape buffer to all existing properties
- There are no bungalows on the site
- New properties will block out the sunset in the evening
- Increased traffic noise on Nethermoor Drive
- The village atmosphere in Wickersley will be destroyed
- How can the development be considered if the Neighbourhood Plan is not published.

- The effects will impact on mental health of existing residents
- Where will all the new residents work?
- The development does not bring any benefits to the local community
- The proposal detracts from the quality of the area
- Loss of existing levels of lifestyle, life changing and mentally harmful
- Have land levels been considered
- There is inadequate access and parking at Winthrop gardens
- Is the verge at the entrance highway land? Do the Council have the right to sell the land to the developer to the benefit of ratepayers?
- Building process will be harmful to children's health, as was the recent archaeological work
- Archaeological digs forced residents to evacuate their properties
- Have submitted reports been scrutinised?
- No justification for such a large estate
- Provide living space in empty units in Rotherham Town centre
- The 21-day publicity is not long enough to look at all the information

Wickersley Parish Council have added to their previous comments stating –

- The development needs two points of access
- There is a proposed pedestrian link to Second Lane but no provision of a footpath.
- A survey as part of the Wickersley Neighbourhood Plan indicates that there is a need for a greater variety of house types and sizes to reflect local housing need and the policies of the Local Plan.
- Although highway improvements to the Masons roundabout are included on the CIL 123 List, the development should only be allowed if an acceptable junction improvement can be brought forward that is funded by the developer to mitigate the unacceptable impact, and make provision for safe pedestrian crossing.

The 'WRONG' Campaign (Wickersley, Rotherham's Own Natural Greenbelt) have submitted a letter of objection, and also have instructed an Environmental Lawyer and Ecological Consultant who have submitted comments on their behalf, which are all summarised below –

- Scale of development
- Impact on Infrastructure
- Destruction of openness
- Reducing quality of life
- Green Belt Objection – this should be reconsidered
- 5m buffer with Green Belt should be provided
- Green Spaces should be provided and managed
- Master planning is required
- Flooding is possible
- Second Lane junction with Morthen road is substandard
- Lack of passing points on Nethermoor Drive due to on street parking
- Lack of emergency vehicle access
- Lack of pedestrian access on Second Lane
- Unacceptable access for horses and cycles
- Winthorpe promotes parking on Morthen Road

- No crossing point at Morthern Road/Bawtry Road roundabout
- What has RMBC done to address access to local facilities.
- Lack of school places, parking, dentist, doctors etc.
- Flooding issues
- Sewerage issues
- Overlooking
- Loss of privacy
- No relationship with the scale, spacing, character of existing area
- Lack of bungalows
- Minimum spacing standards
- Decrease in quality of life for existing residents
- Increase in noise disruption
- Hedgerows should be protected
- Loss of wildlife
- Contrary to National and Local Policies
- No benefits for the community
- Inappropriate behaviour through the planning process
- Maladministration – documents are not uploaded onto the website in a timely manner
- Planning application details published/consultation time in holiday times
- Objections not responded to
- Not following correct process
- Distress caused to existing residents
- A proposed HS2 construction depot will increase traffic, and should be taken into consideration when assessing the application.
- The site does not have sufficient open Green Space
- The combination of both sites either side of Second Lane should be considered
- An EIA Screening Opinion should have been carried out due to two application sites close to each other.
- The application should not be taken to Planning Board until independent consultant reports are provided by the objectors
- The proposal would aversely harm Wickersley Woods, which is an ancient woodland. No mitigation or compensation is proposed

One letter of support to the original round of publicity states-

- The additional housing is needed in the area.

15 individuals have requested the Right to Speak at the Planning Board meeting including representatives from the WRONG campaign group, as well as Wickersley Parish Council and 41 people who signed the petition. The applicant has also requested the Right to Speak.

Consultations

RMBC - Transportation and Highways Design: Confirms that the amended scheme complies with both the guidance and principles of The South Yorkshire Residential Design Guide and Manual for Streets and that the proposed car parking facilities comply with the Council's minimum residential standards. The proposal is acceptable in terms of traffic impact and is in a sustainable location. Subject to the applicant entering

into a S106 agreement for the sustainability contribution and to suitable conditions, no objections are raised to the granting of planning permission in a highways context.

RMBC - Leisure and Green Spaces Manager: No objections. The developer has taken into consideration all the issues raised regarding the green space across the application site which is acceptable in terms of its quantity and layout.

RMBC - Tree Service Manager/Consultant: No objections

RMBC - Landscape Design: No objections subject to relevant conditions to secure the relevant landscape features.

RMBC – Drainage: No objections are raised subject to conditions.

RMBC - Affordable Housing Officer: No objections

RMBC – Ecologist: No objections subject to relevant conditions

RMBC - Environmental Health: No objections subject to informative regarding the operational development phase.

RMBC - Environmental Health (Air Quality): No objections in terms of air quality subject to a condition requiring the provision of electric vehicular charging points.

RMBC – Environmental Health (Land Contamination): No objections subject to relevant conditions to ensure that risk from land contamination to the future users of the land and neighbouring land are minimised.

RMBC – Education: This will fall under the CIL for Primary Education

South Yorkshire Archaeological Service: No objections subject to suggested conditions

Severn Trent Water: No objections subject to suggested conditions.

Rotherham NHS – Local GP surgeries are at capacity and investment will be required to increase that capacity on completion of houses planned to be built in the future. CIL money would be applied for to assist to manage capacity, potentially in the form of a new build to house the existing practices and allow for expansion.

Environment Agency – The application is deemed to be outside the scope of the issues that they wish to be consulted on, they therefore have no comments or objections to the development.

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.

Paragraph 11 of the NPPF states, in part, that: "*Plans and decisions should apply a presumption in favour of sustainable development.*" It goes on to state that "*For decision-taking this means:*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole". (footnotes omitted)

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

- The principle of the development
- Design, layout and scale
- Provision of open space on the site
- Transportation issues
- Drainage and flood risk issues
- Ecology and biodiversity
- Landscape and tree matters
- General amenity issues – contaminated land, noise and air quality
- Impact on existing/proposed residents.
- Heritage issues
- Affordable Housing provision
- Other issues raised by objectors
- Planning Obligations

The principle of the development

The application was allocated as Green Belt within the former UDP, however the Local Plan Sites and Policies Document which was adopted on 27th June 2018 removes the site from the Green Belt and re-allocates it for Residential use. It forms Housing Site H62 (total area of 3.99 hectares) and the Sites and Policies Document indicates that the total site has a capacity of approximately 128 dwellings.

Policy CS1 'Delivering Rotherham's Spatial Strategy' states, in part, that: "*Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth*". Bramley, Wickersley and Ravenfield Common are identified as one of the Principal settlements for growth which is to provide 800 dwellings as part of the Local Plan.

Policy CS3 'Location of New Development' states, in part, that: "*In allocating a site for development the Council will have regard to relevant sustainability criteria, including its*

(amongst other things): proximity as prospective housing land to services, facilities and employment opportunities, access to public transport routes and the frequency of services, quality of design and its respect for heritage assets and the open countryside.”

Policy SP1 ‘Sites Allocated for Development’ identifies sites that are allocated for development and contribute to meeting requirements set out in the Core Strategy. SP1 allocates the site as H62 for a total of 128 dwellings.

Policy SP11 ‘Development in Residential Areas’ states, in part that: *“All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.”*

With the above policies in mind the site has now been allocated for Residential use as part of the adopted Local Plan and as such the principle of residential development is acceptable. Whilst the number of dwellings on the site (108 houses) is slightly less than the 128 set out in the Sites and Policies Document, it is considered that the density of the proposed development is appropriate for this site. The sites identified for development within the Plan are intended to promote sustainable development and assist in delivering priorities and objectives of the NPPF and the adopted Core Strategy. Through the Local Plan process the site was identified as a result of extensive consultation and a site appraisals process, including a Sustainability Appraisal, and assessed in terms of a range of social, economic and environmental factors. The Sites and Policies Document identifies that the site is sustainable in principle for residential use.

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

In relation to this site, Wickersley Social Club, Wickersley Bowling Club and a hair salon are located within the 800m distance specified within the policy. However, slightly further than this distance is Wickersley centre which is within a 15 minute walk and contains a range of shops, pubs, restaurants, takeaways, library, bank, pharmacy and other amenities. The text to policy SP64 recognises that flexibility will be required in certain circumstances and it is also noted that the Sites and Policies Document did not specifically require any provision of Community Facilities on the site. It is therefore considered that the application site has good access to a wide range of shops and services mainly within Wickersley Centre.

With relation to the increase in the local population that the development would result in and the impact on local services it should be recognised that the process to allocate these sites has taken place over a number of years with many rounds of public consultation, and infrastructure providers were involved in the process in order that they

could align their service and delivery plans to the provision of residential development across the Borough.

With regards to GP Surgeries, the NHS note that these are at capacity and investment will be required to increase that capacity on completion of houses planned to be built in the future. CIL money would be applied for to manage capacity, potentially in the form of a new build to house the existing practices and allow for expansion. The CIL Regulation 123 List includes the provision for a contribution to improvements to GP surgeries.

With regards to the impact on schools, the Head of Education notes that the application falls under the CIL for Primary Education.

In conclusion it is considered that the proposed residential development is acceptable in principle on this allocated site. The development is therefore considered to accord with Local Plan Policies CS1, CS3, SP1, SP11 and SP64, and the provisions of the NPPF.

Design, layout and scale

Policy CS28 'Sustainable Design' states, in part, 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..... Design should take all opportunities to improve the character and quality of an area and the way it functions."* This seeks to ensure that all developments make a positive contribution to the environment by achieving an appropriate standard of design.

Policy SP55 'Design Principles', states, in part, that: *"All forms of development are required to be of high quality, incorporate inclusive design principles 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"*.

Policy CS6 'Meeting the Housing Requirement' further states, in part, that: *"Housing development will be expected to make efficient use of land while protecting and enhancing the character of the local area."*

The NPPF at paragraph 124 states, in part, that: *"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, in part, that: *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."*

The National Planning Practice Guidance, notes at ID: 26-004-20140306 that: *"Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations."*

The 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 existing properties within the locality vary considerably in architectural design, size, layout and building materials which means that there is not one predominant character.

The design, appearance and materials of the properties have been amended through the application process as a result of discussions with the Council to improve the overall appearance of the development. The original materials proposed were a mixture of red and buff bricks with two properties containing render features. The amended scheme proposes a majority of red brick properties, with some artificial stone properties, and a total of 21 properties containing render on key plots. Additionally, car parking areas at the front of properties have been amended to include some areas of planting to soften the street scene within the development site. Boundary treatments have also been carefully assessed to ensure that a high quality environment is created.

The scale of the dwellings is considered to be appropriate and similar to the scale of some of the differing house types surrounding the site. In relation to density, it is noted that some of the detached properties along Morthen Road are built at a lower density, however it is also noted that properties on Newall Avenue have a higher density. Furthermore, the site allocation in the Sites and Policies Document indicates that the site is suitable for approximately 128 dwellings, which is 20 more than proposed within this scheme.

As a result it is considered that the amended scheme will provide a pleasant suburban layout suitable for this edge of settlement location. The mix of dwelling types is varied with 2, 3 and 4 bedroomed properties, all are 2/2.5 story with no bungalows proposed. The majority of the dwellings are detached with affordable units being provided in small terraces, as such the overall scheme is considered to provide a good mixed community. Whilst the majority of the affordable units are proposed to the western and southern boundary, there are non-affordable properties located within, and opposite them in the layout, which is considered appropriate for a site of this size. It is noted that there are no policies which would require the provision of bungalows on this site.

The scheme also includes areas of Public Open Space and the provision of a children's play area to the north of the site. There is also a comprehensive landscape scheme to be implemented including the provision of a 5m landscaped buffer between the rear gardens of dwellings and the Green Belt, as well as hedgerows and planting to the north to provide an attractive frontage to Second Lane.

Having regard to all of the above, it is considered that the layout and design of the proposed development as amended, 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 above Local Plan Policies, as well as the general principles and goals set out in the NPPF. The applicants, through the submission of amended plans, have demonstrated a concerted effort to achieve a well-designed scheme that respects the existing built form, and the site's location adjacent to the Green Belt.

Provision of open space on site

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

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

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

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

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

The development is for 108 dwellings and as such the requirement is for 5,940sqm of open space provision on site. The scheme has been amended to increase the amount of open space on the site, which has resulted in the loss of one plot, and now taking into account the open areas and the significant landscape buffers, the scheme achieves the required amount in line with the Policy.

In addition to the open space areas the scheme also includes the provision of a LEAP in the north eastern corner. The LEAP is a 'Local Equipped Area for Play' specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live. As such, all dwellings on site would be within 400m of an equipped play area.

Policy SP39 'Design and Location of Green Space, Sport and Recreation' outlines the principles to be followed when new play spaces are designed, and it is considered that the proposed areas and equipment within the scheme are acceptable in this respect.

It should be noted that all the areas of public open space, including the 5m landscaped buffer with the Green Belt and the hedgerow to the north of the site adjoining Second Lane, are proposed to be maintained by a management company which would be secured by a Section 106 legal agreement.

Taking the above into consideration, it is considered that the scheme provides an appropriate amount of open space as well as play equipment on the application site and accords with the above Local Plan Policies.

Transport issues

In assessing highway related matters, Policy CS14 'Accessible Places and Managing Demand for Travel,' notes in part, "*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."*

Policy SP26 'Sustainable Transport for development' states, in part, that "*Development proposals will be supported where it can be demonstrated that:*

- a. *as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;*
- b. *local traffic circulation, existing parking and servicing arrangements are not adversely affected;*
- c. *the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;*
- d. *schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access."*

The NPPF further notes at paragraph 108: *“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

Paragraph 109 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.”*

Paragraph 111 goes on to note that: *“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”*

The site development guidelines for H62 as set out in the Sites and Policies Document states that: *“Vehicular access solely from Nethermoor Drive with a pedestrian / cycle link to Second Lane would be acceptable in principle. However additional land will be required to improve Second Lane should it be intended to provide a road link with Nethermoor Drive. A footway on the northern side of Newhall Lane connecting with Morthen Road is desirable. The above considerations should be addressed in more detail in a Transport Statement to accompany any future planning application.”*

The original application was submitted with two points of vehicular access proposed into the application site, one off Nethermoor Drive and one off Second Lane. There have been lengthy discussions between the applicants and the Council which have ultimately resulted in the amended scheme showing only one vehicular access/exit point into the site via Nethermoor Drive. The vehicular access has been removed from Second Lane as the Council consider that it is unsuitable to cater for the additional vehicular traffic that the development would have created, unless improved

The original application was submitted with a Transport Assessment, however additional information was requested from the developers to take account of the cumulative impact of this development and the development proposed in close proximity under planning application RB2017/0514 (for 48 dwellings on land to the north of Second Lane – currently undetermined).

The Council’s Transportation Unit consider that the amended scheme now complies with both the guidance and principles of The South Yorkshire Residential Design Guide and Manual for Streets, and that the proposed car parking facilities comply with the Council’s minimum residential standards.

The submitted Transport Assessment and updated reports look into both the traffic impact the development will have on the surrounding highways and the sustainability of the site in terms of its location and access to facilities.

Traffic Impact – It is considered that the anticipated trip generation is reasonable for a development of this type. A survey of peak hour traffic was carried out on Tuesday 13th

September 2016 to establish a baseline against which the effects of development traffic could be assessed. Traffic growth has been estimated using TEMPRO and for robustness the South Yorkshire growth rates have been used to derive base traffic flows for the study network in 2017 and 2022.

Morthen Road Junction analysis – For robustness all of the predicted traffic has been assigned to turn right from the site onto Morthen Road across the southbound flow. These factors have been applied using the PICADY modelling programme to the site access. The program demonstrated that the junction will operate well within its design capacity and that queuing will not be a problem. In addition a condition is recommended that would require the relocation of an existing telegraph pole on the northern side of this junction to improve visibility further.

A631 (Masons Roundabout) Junction analysis- Using ARCADY the Transport Assessment has analysed the effect the development will have on this roundabout. The analysis demonstrated that the roundabout is already above capacity and that the additional traffic will add to this. However, it is considered that the additional traffic would not have an unacceptable impact on highway safety and that the residual cumulative impact on the road network would not be severe. In reaching this view the Transportation Unit has taken into account that the Transport Assessment (which uses robust assumptions about traffic growth) shows that there will be an increase in queuing without the development and the development will contribute only an additional one or two vehicles to the maximum queue on any arm of the junction in 2022. It should be noted that the roundabout is on the CIL Regulation 123 list of schemes for future improvement, which will aim to improve the existing roundabout and traffic associated with it.

Car and Cycle Parking - The proposed parking provision complies with the council's minimum standards. Secure cycle parking should be provided for each house, this will be covered by a Travel Plan to be submitted by the applicant.

Pedestrian Accessibility - Pedestrian links in the area are good and comprise a combination of footways alongside the carriageway and public rights of way. Whilst the site specific details state that a footway on the northern side of Newhall Lane connecting with Morthen Road is desirable, it is noted that a footway is available on the southern side for pedestrians to use, and so this is not required for this site. In respect of the potential use of Second Lane by pedestrians, this would be relatively limited as the majority of the dwellings on the site would have more convenient access via Nethermoor Drive to Morthen Road. The site, therefore, complies with guidance in terms of pedestrian accessibility.

Public Transport - The Transport Assessment's claim that the site is accessible by public transport is accepted. On average there is a bus every 20 minutes in each direction along Morthen Road, these serve Thurcroft, Rotherham and Worksop.

Cycling Accessibility - The site is well located to provide cycle access to local leisure, shopping and recreational facilities as well as access to employment opportunities. The site is considered to be well located for access to and from a wide variety of destinations within 5km.

Road Safety - There are relatively few recorded accidents within the vicinity of the site and as such no significant road safety problem.

Sustainability - In relation to the sustainability of the site, and its relative proximity to local services and facilities, it is noted that the site would provide the opportunity for residents to walk to their local school. St Albans Primary and Wickersley Northfield Primary are within recognised walking distances. In relation to secondary schools walking is considered a realistic mode of travel as Wickersley School and Sports College is well within the recognised walking distance of 2 miles.

For retail trips the shopping area at Bawtry Road is considered to be within an acceptable walking distance.

Additionally, in order to promote sustainable travel a Section 106 agreement would secure a contribution to the Council of £500 per dwelling which would be used on local improvements to aid sustainable travel.

With the above in mind the proposed site is considered suitable for the number of traffic movements off the new single access. The proposed visibility is acceptable and the provision of on-site parking spaces accords with the Council's minimum requirements. The traffic impacts of the site, also taken cumulatively with the proposed site across Second Lane, are considered to be acceptable. Furthermore the site is considered to be in a relatively sustainable location close to local bus stops on Morthen Road and within walking distance of a number of amenities and shops in Wickersley Centre, and schools. The proposal therefore satisfies the provisions of the above Local Plan Policies and the NPPF.

In regards to objections about the increased traffic due to HS2 it should be noted that the application site is not within the HS2 Safeguarding buffer zone.

The HS2 timeline states that construction works on Phase 2b are likely to commence in early 2024, and that the plans are currently in draft form only. It is also noted that any construction traffic associated with this will be temporary in nature, so any effects would be transient. With the above in mind it is not considered that the submitted Transport Assessment requires amendments in this regard.

Drainage and flood risk issues

Policy CS24' Conserving and Enhancing the Water Environment' states:

"Proposals will be supported which:

- a. do not result in the deterioration of water courses and which conserve and enhance:*
 - i. the natural geomorphology of watercourses,*
 - ii. water quality; and*
 - iii. the ecological value of the water environment, including watercourse corridors;*
- b. contribute towards achieving 'good status' under the Water Framework Directive in the borough's surface and groundwater bodies*
- c. manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;*
- d. improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,*

- e. *dispose of surface water appropriately according to the following networks in order of preference:*
 - i. *to an infiltration based system wherever possible (such as soakaways)*
 - ii. *discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)*
 - iii. *discharge to a public sewer.”*

Policy CS25 “Dealing with Flood Risk” states, in part, 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.”*

Policy SP47” Understanding and Managing Flood Risk and Drainage” states, part, that:

“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) inappropriate 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.”*

Paragraph 163 of the NPPF notes in part 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 applicant’s Planning Statement confirms that the site is within Flood Zone 1 as shown on the Environment Agency maps, meaning that it is very unlikely to flood and that the sequential test is satisfied.

After detailed discussions with the Council’s Drainage Engineers the application proposes that the foul drainage will discharge to the existing public combined sewer in Second Lane. Surface water will be taken to soakaways in the parts of the site where ground conditions permit and surface water from the highway only will be attenuated in a storage tank and discharged to the existing highway drainage system in Second Lane.

Severn Trent have commented on the application stating that they have no objection regarding sewerage subject to a condition requiring the submission of further details. Objections have been received from local residents relating to issues surrounding the public sewerage system, however this is controlled by Yorkshire Water, who have no objections to the proposal.

The Council's Drainage Engineer has no objections to the application regarding drainage or flood risk subject to the recommended conditions being attached to any permission given.

Having regard to the above and subject to the recommended conditions it is considered that the proposals accord with the above Local Plan Policies and the advice within the NPPF.

Ecology/Biodiversity matters

In assessing these issues, Policy CS20 'Biodiversity and Geodiversity,' notes in part, 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, in part, that: "*Development should conserve and enhance existing and create new features of biodiversity and geodiversity value,*" and adds that: "*Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery including, where appropriate, direct contribution to Ecological Networks, the Green Infrastructure network, Biodiversity Opportunity Areas, Nature Improvement Areas and Living Landscapes.*"

Policy SP35 'Protected and Priority Species' states that "*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:*

- a. Protected species;*
- b. Species of principal importance for the conservation of biodiversity;*
- c. Species prioritised for action within the Rotherham Biodiversity Action Plan;*
- d. Populations of species associated with statutorily protected sites. Measures to mitigate and, or compensate for, any impact must be agreed prior to development commencing and should be in place by the time development is brought into use".*

The NPPF further advises in part of paragraph 170 that: "*Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):*

- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;"*

The applicant's Ecology Report is considered to be an accurate record of the ecological interests on the site and its assessment is accepted. Its recommendation for biological enhancements (bat and bird boxes) is also accepted, and should be secured via appropriate planning condition. Informatives are also suggested in relation to the use of wildlife friendly lighting, and in relation to site clearance outside of the bird nesting season.

Additionally, the proposal provides for the provision of a 5m landscape buffer to the Green Belt boundary, which adjoins the eastern boundary of the application site. This will be maintained by a management company, as will the hedgerow along the Second Lane frontage of the site, the provision and retention of which will be a biodiversity enhancement.

Policy SP34 'Sites Protected for Nature Conservation', states in part, that; *"Development that would either directly or indirectly, adversely affect a non-statutorily protected site will not normally be permitted"*.

Wickersley Woods is a Local Wildlife Site and recognised as an Ancient Semi-Natural Woodland, which is a non-statutory protected site, though it is located over 250m from the application site. Wickersley Wood is managed by Wickersley Parish Council and has an approved Management Plan for the period of 2017-2021. This states that *"the wood is highlighted as a Community Wood, to be managed primarily for public access, informal recreation and their wildlife value, and will generally be used by people living locally"*. It also states that *"as the wood is also located along the path of a Green Link it may attract visitors from a wider area. The wood is an ancient, predominantly semi-rural site, and the majority of the woodland is characterised by 30-70 year old regeneration of silver birch and sessile oak"*.

Whilst the proposal could lead to increased public use of the wood, it is noted that it managed for recreation purposes, as well as other reasons, and is already well used by local people. The Wickersley Woods Management Plan states *"that public recreation and access is popular but low key and generally informal with no serious conflicts"*. Additionally, work is planned to ensure the woodland continues to be 'welcoming to visitors'. Therefore, due to the active management of the woods, it is considered that the current application will not have an adverse effect on Wickersley Wood.

Policy SP36 'Soil Resources' states, in part, that "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..... Built development should be designed and sited with an appreciation of the relative functional capacity of soil resources and threats to soils with the aim of preserving or enhancing identified soil functions. Measures to incorporate green space and sustainable drainage elements that retain permeable surfaces, allow water infiltration, reduce soil erosion and maintain natural soil functions will be supported. Measures that waste soil resource, reduce soil quality, compact or pollute soils or that create a predominantly impermeable surface should be avoided."

The proposal does include areas of green open space and sustainable drainage methods are to be used. For this reason it is considered appropriate to attach a condition that requires the submission of details of the quality of soils on site and their movement and temporary storage during construction to ensure that the character of the soil is conserved.

With this in mind it is considered that the proposals accord with relevant Local Plan Policies as well as guidance within the NPPF.

Landscape and trees matters

Policy CS19 “Green Infrastructure” states, in part, that: *“Rotherham’s network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors, will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas...Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below –*

d. Improving connectivity between new developments and the Strategic Green Infrastructure network and providing buffering to protect sensitive sites.”

Policy CS21 ‘Landscapes,’ states, in part, that: *“New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes by ensuring that landscape works are appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.”*

Policy SP32 ‘Green Infrastructure and Landscape’ goes onto state in part that: *“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 and to meeting needs of future occupants and users.”*

The site has been assessed as being of Medium Sensitivity to change and of Medium Capacity to accommodate residential development as part of the landscape capacity assessment undertaken by the Council in May 2012. The site lies within the local character area 8: ‘Central Rotherham Coalfield farmland’, which is described as generally being of moderate strength of character but poor condition. The focus of landscape management proposals for this character area, given its character and condition, should be to improve and restore features which contribute positively to its overall character.

The Council’s Landscape Design Section has highlighted a number of issues that have been taken into consideration through the application process. These include the provision of –

- A 5m buffer planting at the Green Belt boundary – the careful design of a landscaped native buffer along the Green Belt boundary.
- Strengthening the boundary vegetation with the Green Belt and Second Lane.
- Incorporation of ornamental hedgerows in runs of parking bays.
- The use of larger specimen trees to provide a greater impact.

It is therefore considered that the proposed landscaping scheme submitted in support of the application is acceptable. In addition a significant amount of Public Open Space is also proposed on the site.

In relation to trees an Arboricultural Survey has been submitted in support of the application, which identifies a limited number of trees and hedgerows located along the northern, southern and western edges of the site. To the south east corner of the site, just outside of the application site three trees identified as G17, T18 and G19 are protected by Tree Preservation Order No. 10, 1995. No trees are identified as requiring to be removed to facilitate the development. There were issues raised regarding a proposed residential plot in the south eastern corner of the site, and the extent of shading from the protected tree just outside the site. After discussion and to assist in

the provision of an increased area of Public Open Space, the dwelling has been omitted from this corner.

The majority of the northern hedgerow is to be retained and managed by a management company. The hedgerow along the western and southern boundaries is to be retained and pruned with the provision of a 1.8m high hit and miss timber fence to the rear of the gardens of the proposed dwellings. This will allow the hedgerow to be retained, and the type of fencing proposed would allow sunlight to the hedge which would thereafter be maintained by the occupiers of the proposed and existing dwellings.

A 5m wide landscape buffer is to be provided along the eastern boundary with the Green Belt, and a 1.8m high hit and miss fence is to be located at the rear of the gardens to provide security for future occupiers. The intention is to grow the buffer which will completely screen this fence line from view outside of the site and the post and rail fence in front of the landscape buffer gives a rural edge to the development. Due to concerns about the initial visual impact of the development from the Green Belt to the east, the applicant has offered to plant up this boundary early in the development phase so that the vegetation can establish before this part of the site is developed, or increase the maturity of the initial planting in this area to give instant screening.

Objections have been received regarding the removal of a tree and some hedgerow at the proposed site access. The tree was not protected by a Tree Preservation Order and as such the Local Planning Authority has no control over its removal. Other issues relating to this matter are not material planning considerations.

Therefore subject to relevant planning conditions, the proposal is considered to be appropriate in relation to its impact on trees and hedgerows at the site.

The proposal is therefore in accordance with the above Local Plan policies .

General amenity issues – contaminated land, noise and air quality

Policy CS27 'Community Health and Safety' states, in part, that: *"Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.*

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

Policy SP52 'Pollution Control' states that: *"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. When determining planning applications, particular consideration will be given to:*

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.*
- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.*

- c. the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality Management Areas and meeting the aims and objectives of the Air Quality Action Plan.*
- d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.*
- e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals.”*

Policy SP54 'Contaminated and Unstable Land' states that: *“Where land is known to be or suspected of being contaminated, or development may result in the release of contaminants from adjoining land, or there are adverse ground conditions caused by unstable land, development proposals should:*

- a. demonstrate there is no significant harm, or risk of significant harm, to human health or the environment or of pollution of any watercourse or ground water;*
- b. ensure necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;*
- c. demonstrate that adverse ground conditions have been properly identified and safely treated;*
- d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use.”*

In respect to the above, supporting information was submitted with the application in relation to land contamination issues. The Council's Environmental Health section have assessed the information and have commented that the site comprises of a parcel of arable farmland which has historically been open/agricultural land from approximately 1888. No industrial uses have taken place on the site which could give rise to significant land contamination. Tests carried out on the site conclude that there is a very low risk to future users of the site from contamination. If planning permission is granted conditions are recommended to ensure that any risks for future users is minimised.

In general amenity terms the Environmental Health Section note that the site is adjacent to residential properties and is some distance away from any major noise sources. They note that there is potential for disamenity to occur for existing residents from noise during the construction phase and the working hours of the construction work and machinery used on site and dust and mud from the excavation of the land, construction work and traffic flow of lorries entering and exiting the site.

The site would be accessed via quiet residential streets and due to the level of development proposed it is considered appropriate that a condition is attached to any planning permission to require the submission of a Construction Management Plan to control such issues.

In relation to Air Quality issues, the application was supported by an Air Quality Assessment which concludes that there is potential to cause air quality impacts as a result of emissions during the construction phase, however they are not predicted to be significant. The results indicated that the impact as a result of traffic generated by the development was predicted to be negligible.

The site is not within an Air Quality Management Area. And the Council's Air Quality Officer notes that that Rotherham's Delivering Air Quality Practice Guidance, along with one of the key themes of the NPPF, is that developments should enable future occupiers to make "green" vehicle choices and "incorporate facilities for charging plug-in and other ultra-low emission vehicles". Whilst the Air Quality Assessment did not make any recommendations, it is considered that electric vehicle recharging provision should be provided as part of the scheme as there will be significantly increased demand in future years during the lifetime of this development. It is therefore recommended that if planning permission is granted a condition is attached requiring the submission of details of electric charging points to be provided. Additionally, and as detailed above, a contribution of £500 per dwelling is to be made towards sustainable transport measures.

With the above in mind it is considered that the proposal accords with the above Local Plan policies.

Impact on existing /proposed residents

SP55 'Design Principles' states, in part 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."*

The South Yorkshire Residential Design Guide (SYRDG) notes that: *"For the purposes of privacy and avoiding an 'overbearing' relationship between buildings, the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth."*

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

Further to the above the NPPF at paragraph 127 states, in part, 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."*

It is noted that there are existing residential properties along the western and southern boundaries of the application site. In terms of the amenity of nearby residents, the site generally adjoins the rear gardens of existing residential properties on Newall Avenue, Nethernoor Drive, Morthen Road, Moatlands and properties off Moat Lane. There have been numerous objections from local residents regarding the impact that the development would have on them in terms of overlooking, loss of privacy and over dominating feel due to the location and number of houses proposed close to the boundaries of their properties.

Whilst it is acknowledged that the proposal would lead to the development of houses in an area where there is currently no development, the dwellings proposed to be located along these boundaries all achieve the minimum separation distances from the existing dwellings, having back gardens with a minimum length of 10m, and achieving the 21m separation distance between rear elevations of properties. A few of the adjacent residents have objected due to the number of dwellings proposed adjacent to their existing rear gardens, and the provision of car parking spaces close to the boundary, and are concerned about the impact of these. However as stated above, the dwellings comply with the minimum separation distances and so would not create any significant overlooking issues, nor are they considered to be overdominant or overbearing. Furthermore, it is not considered that the 5 car parking spaces shown close to the boundary in the south eastern corner of the site would cause a significant amount of nuisance or pollution as they are linked to the overall residential use of the site.

The original plan showed new properties backing onto 16 Nethermoor Drive, however whilst this property is side onto the application site, planning permission has been granted in the past for a large side facing window at first floor level which would look directly over the gardens and rear elevations of Plots 9-11 as originally proposed, and vice versa. For this reason the layout has been amended and an area of Public Open Space has been provided in this location to ensure an appropriate form of development is achieved.

The proposed layout and the impact on the adjoining residential properties has been assessed and section plans at various points have been submitted to take account of land level changes as the site rises from north to south, to ensure that the proposed development is not overbearing in terms of scale and mass. The spacing standards have been achieved, and it is therefore considered that the proposal would not have a significant impact on the existing amenity levels of the occupiers of neighbouring properties.

Objections have been received in relation to loss of views, devaluation of existing properties, and the impact that the development of this once green field site will have on the quality of life and mental health of exiting residents. Again, it should be noted that the site is no longer Green Belt and is allocated for residential use, and its development for this use is therefore acceptable in principle. Other issues relating to loss of views and devaluation of houses are not material planning considerations.

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 the size of rear gardens. The original scheme showed that the rear gardens of some of the properties were well below the minimum standards and hence the layout was amended. All the dwellings, apart from plot 24, now achieve the minimum garden size laid out in the SYRDG, and this plot is only substandard by approximately 4sqm, which in relation to the whole scheme is not sufficient to warrant refusing the application.

Issues regarding contaminated land, noise and air quality have been considered as noted above and where appropriate mitigation measures are to be incorporated into the scheme. As such it is considered that the scheme will provide a good standard of amenity for future residents.

Having regard to the above it is considered that the proposed layout is generally in accordance with the guidance outlined in the SYRDG, and that it would not have a significant adverse impact on the amenity of the existing residents as the proposal would not cause any significant loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces. The proposal is therefore considered acceptable in accordance with the guidance contained within the SYRDG.

Heritage issues

Policy CS23 'Valuing the Historic Environment' states, in part, that *"Rotherham's historic environment will be conserved, enhanced and managed in accordance with principles set out"*

Policy SP43 'Conserving and Recording the Historic Environment' states, in part that: *"Development proposals that affect known or potential heritage assets will need to provide supporting information in sufficient detail that the impact of the proposed scheme on those heritage assets can be established....., Heritage Statements should consider the impact of the specific development proposed with regard to: the setting of heritage assets on or in the vicinity of the site; detailed archaeological assessment; and the results of field evaluation."*

It is noted that the site is not located within or adjacent to a Conservation Area. The closest Listed Building to the application site is located at Moat Farm approximately 230m to the south east of the site. The building is separated by fields and dense woodland, as such the proposal is not considered to affect its setting.

SP42 'Archaeology and Scheduled Ancient Monuments' stated, in part that *"Development proposals that may impact upon archaeology, whether designated as a Scheduled Ancient Monument or undesignated, will be considered against the following principles:*

- a. development that would result in harm to the significance of a Scheduled Monument or other nationally important archaeological site will not be permitted;*
- b. the preservation of other archaeological sites will be an important consideration. When development affecting such sites is acceptable in principle, the Council will seek preservation of remains in situ, as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for archaeological recording to ensure an understanding of the remains is gained before they are lost or damaged, in accordance with Policy SP 43 'Conserving and Recording the Historic Environment'".*

The site development guidelines required the proposal to be supported by a Heritage Statement for Archaeology, which was submitted. South Yorkshire Archaeology Service (SYAS) have been liaising with the developers on site who have already carried out Archaeological Field work to their satisfaction. SYAS have also recommended that a condition is attached to any approval 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.

It is therefore considered that the proposal is in accordance with the above Local Plan policies, subject to the relevant condition.

Affordable Housing provision

Policy CS7 'Housing Mix and Affordability' states in part, that: "Sites of 15 dwellings or more..... shall provide 25% affordable homes on site."

The proposal includes the provision of 27 units for affordable housing. This is 25% of the whole site and therefore fulfils policy requirements. Two and three bedroom houses are acceptable as proposed. The Council required 75% of the affordable housing units to be brought forward for rented tenure and 25% of the affordable units to be offered for intermediate tenures.

The provision of 27 affordable units is in compliance with Local Plan policy CS7, and its provision would be secured by a S106 Agreement.

Other Comments made by objectors

Numerous objections have been raised by residents, many of which have been considered above, and others are not material considerations to be taken into account in the determination of this application.

Objections have been made that the application should not be considered until a 'Neighbourhood Plan' is prepared, but whilst such a plan is proposed for Wickersley, it has not yet been drafted. There are no planning policies that limit the phasing of development in the Local Plan.

Some residents have claimed that the correct process has not been adhered to and claim maladministration. No evidence has been provided in support of such allegations, and it is not considered that there is any proper basis for them. Officers consider that the application has been considered correctly and fairly, with full opportunity being given to third parties to consider the application and to make comments on it (all of which have been taken into account in preparing this report).

Planning Obligations

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

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

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

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

This is echoed in Paragraph 56 of the NPPF.

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

- 25% provision of on site affordable housing.
- The contribution of £500 per dwelling towards sustainable transport measures
- Management and maintenance of open space areas on site (including the LEAP and the hedgerow/buffer with the Green Belt.)

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

Conclusion

The site was previously allocated for Green Belt purposes in the adopted UDP but that Plan has been replaced with the Sites and Policies Document that was adopted on 27 June 2018. The Sites and Policies Document removed the site from the Green Belt and allocated it for 'Residential' purposes. It forms the Housing Site H62 and is located within a suitable distance from Wickersley centre, with many facilities. As such, the proposal is acceptable in principle.

The scheme is acceptable in terms of the design and layout, highway safety, provision of open space, drainage, ecology and landscaping as well as other general amenity issues identified above. The scheme is considered to be sustainable and has notable benefits in terms of market and affordable housing provision and associated social and economic benefits arising from such provision. Development in this location will support the ongoing delivery of services and facilities within Wickersley and provide much needed market housing to meet Local Plan targets for housing development within the Plan period to 2028.

Overall the scheme is considered to be in accordance with the development plan and with the policies in the NPPF.

As such, the proposal is recommended for approval, subject to the signing of a S106 legal agreement as set out above and to the following conditions.

Conditions

Article 35 of the Development Management Procedure Order 2015 requires that, where planning permission is granted subject to conditions, the decision notice must state clearly and precisely the full reasons: (i) for each planning condition; and (ii) in the case of each pre-commencement condition, for the condition being a pre-commencement condition. The reasons for each condition are provided below. Conditions numbered 9, 12, 16 & 20 of this permission are pre-commencement conditions (since they require matters to be approved before development works begin). These are justified as being pre-commencement conditions 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 9, 12, 16 & 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 and to assist in the delivery of development.

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)

Planning Layout – Drawing No. 378-001 Rev U
Landscape Plan Drawing No. P16-1361.001 Rev I
External Materials & Boundary Treatment Plan Drawing No. 278-003 Rev F
Materials Layout Drawing No. 378-002 Rev K
Site Sections Drawing No. 378-005 Rev D
LEAP Proposals Drawing No.P16-1361.002 Rev A
House Type Plans –
Alderton Brick Drawing No.PD/70/01
Bambrugh Brick Drawing No.PD.14.01
Bamburgh Floor Plans Drawing No.PD.14.00
Baybridge Brick Drawing No.PD/71/01
Birkwith Brick Drawing No.PD/51/01
Buxton Floor Plans Drawing No.PD/85/03
Buxton Brick Drawing No.PD/85/01
Hadleigh Floor Plans Drawing No.PD.01.01
Hadleigh Brick Drawing No.PD.01.02
Nidderdale Brick Drawing No.PD/54/01
Settle V0 Brick Drawing No.PD/56/01
Settle V1 Brick Drawing No.PD/53/01
Tonbridge Brick Drawing No.PD/57/01
Warkworth Floor Plans Drawing No.PD/61/01
Warkworth brick Drawing No.PD/61/02
Windsor Brick Drawing No.PD/55/01
Settle V0 Render/brick Drawing No.PD/53/03
Settle V1 Render/Brick Drawing NoPD/53/03
Warkworth Render/Brick Drawing No.PD/61/03
Settle V0 Stone Drawing No.PD/56/01
Baybridge Stone Drawing No.PD/71/01
Alderton Stone Drawing No.PD/70/01
Settle V1 Stone Drawing No.PD/56/01
Windsor Stone Drawing No.PD/55/01
Tonbridge Stone Drawing No.PD/57/01
Warkworth Stone Drawing No.PD/61/05
Birkwith Stone Drawing No.PD/51/02

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details on the approved Materials Layout Plan Ref 378-002 Rev K.. Prior to the commencement of any overground development samples of the materials shall be submitted and 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

04

The boundary treatment shall be provided on site in accordance with the approved External Materials and Boundary Treatment Plan Ref 378-003 Rev F. The approved boundary treatment shall be implemented prior to the occupation of each dwelling.

Reason

In the interests of the visual amenity of the area and in accordance with the Development Plan.

Transportation/Sustainability

05

Details of the proposed 'gateway scheme', which shall include the alterations to the footways fronting No's 11 and 16 Nethermoor Drive as shown in draft form on DRG No 378-001 rev U, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of a dwelling.

Reason

In the interest of highway safety.

06

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. The approved details shall be implemented in accordance with the approved programme of implementation.

Reason

To promote sustainability in accordance with the Local Plan and the NPPF.

07

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

- a) 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.

08

Prior to the commencement of any above ground development road sections, constructional and drainage details, and timing of the carrying out of the works, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented in accordance with the approved details.

Reason

In the interest of highway safety.

09

Prior to the commencement of any 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 vehicular routing
- traffic management measures during the construction work;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of any storage on site
- details of loading/unloading of materials/plant;
- details of car parking facilities for the construction staff;
- details of proposed hours of construction on/deliveries to the site;
- details of any lighting;

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.

10

Details of vehicle electric charging points and the timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable.

Reason

To promote sustainability in accordance with the Local Plan and the NPPF.

11

The development shall not be brought into use until the existing telegraph pole adjacent No. 1 Nethermoor Drive has been relocated within the highway in accordance with

details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason

In order to improve visibility at the Nethermoor Drive/Morthen Road junction in the interests of road safety

Contaminated Land

12

Prior to development commencing further chemical testing of topsoils (following a site strip and stockpiling exercise) shall be undertaken to assess for contamination including asbestos. These soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination and the results will need to be provided to the Local Planning Authority for review and comment.

Reason

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

13

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

Reason

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

14

If subsoils / topsoils are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing will need to be presented in the format of a Validation Report. The site shall not be brought into use until such time as all validation data has been approved by the Local Planning Authority.

Reason

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

Ecology

15

Details of the number, style and location of bird and bat boxes to be located within new build dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within the development.

Reason

In the interest of local ecology in accordance with the Local Plan and the NPPF.

Archaeology

16

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

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

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

Reason:

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

Landscaping and Trees

17

Prior to the commencement of any over ground development an implementation timetable/phasing plan for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping of the site as shown on the approved plan (drawing no. P16-1361.001 Rev I) shall be carried out in accordance with the approved implementation timetable/phasing plan. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with the Local Plan

18

Details of the 5m planted buffer along the eastern boundary of the application site shall be submitted and approved in writing by the Local Planning Authority. The details shall include the species, planting sizes and timing of the planting. The approved details shall be implemented in accordance with the approved details and timetable.

Reason

To ensure that there is a well laid out planted buffer along the boundary of the application site and the Green Belt to reduce the visual impact.

19

Within 5 years of the commencement of the works no tree or hedge shall be cut down, uprooted or destroyed nor shall any tree or hedge 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 or hedge is removed, uprooted or destroyed or dies, another tree or hedge shall be planted in the immediate area and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and in accordance with the Local Plan

20

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

Reason

In the interests of the visual amenities of the area and in accordance with the Local Plan

21

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 details to be submitted to and approved by the Local Planning Authority. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with the Development Plan.

Play Area

22

A timetable for the installation of the LEAP as shown on approved plan P16-1361.002 RevA shall be submitted to and approved in writing by the Local Planning Authority. The LEAP shall be implemented in accordance with the approved timetable.

Reason

In the interests of the amenity of the residents in accordance with the Local Plan.

Levels

23

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

Reason

For the avoidance of doubt and in the interests of the amenity of the existing residents adjoining the site in accordance with the Local Plan.

Drainage

24

Prior to the commencement of any above ground development details of 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, and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details. The scheme to be submitted shall demonstrate:

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

Reason

To ensure that the development can be properly drained in accordance with the Development Plan and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems for Major Applications

25

Prior to the commencement of any above ground development 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 that the development can be properly drained in accordance with the Development Plan

Soil storage

26

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.

Informatives:

01

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

02

Wildlife Legislation

Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found on the site then work should halt immediately and an appropriately qualified ecologist should be consulted. For definitive information primary legislative sources should be consulted.

03

Lighting

Wildlife friendly lighting should be used where possible. This should follow the Bat Conservation Trust's 'Bats and lighting' and other more recent guidance which is available from the BCT, South Yorkshire Bat Group or RMBC.

04

Nesting bird

Site clearance should ideally be outside of the bird nesting season. If vegetation clearance is required in the bird nesting season (March-August) then a qualified ecologist should be employed to check the area first and ensure that no nesting species are present. No works can take place whilst birds are actually nesting.

05

Hedgehogs

Holes in fencing should be provided for hedgehogs which roam gardens at night. Ideally these should be 13 x 13cm which is too small for most pets to squeeze through.

06

Severn Trent

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

07

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

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. In addition the application was amended during the course of the application process as a result of discussions between the applicant and Local Planning Authority. The Local Planning Authority considers that it has worked with the applicant in a positive and proactive manner based on seeking solutions in accordance with the principles of the National Planning Policy Framework.