

**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THE 28 OCTOBER 2018**

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

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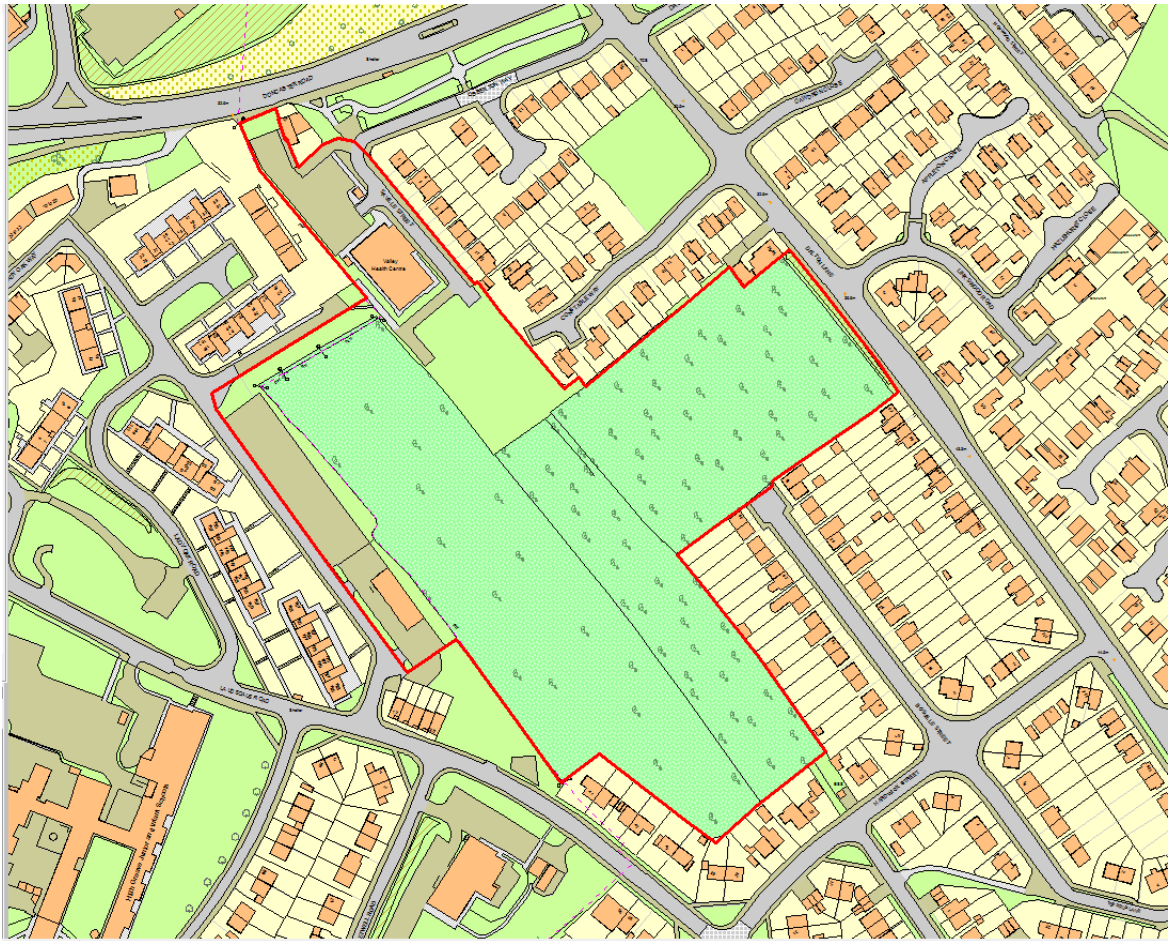
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**REPORT TO THE PLANNING REGULATORY BOARD  
TO BE HELD ON THE 25 OCTOBER 2018**

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

<b>Application Number</b>	<b>RB2017/0792</b>
<b>Proposal and Location</b>	Reserved matters application (details of access, appearance, landscaping & layout) for the erection of 145 No. dwellinghouses (reserved by outline RB2010/0781) on Land off Dalton Lane, Dalton. S65 3HF
<b>Recommendation</b>	<p>A) Subject to a unilateral undertaking made 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"><li>• That 25% of the units are to be Affordable Housing in order to comply with condition 04 of the outline permission RB2010/0781.</li><li>• This is in addition to the S106 Agreement which was approved as part of the outline application RB2010/0781 for a contribution of £80,000 Green Space improvements towards the improvement of open space provision within the immediate locality and £28,000 for Highway Capacity Improvements associated with the works at the adjacent Mushroom Roundabout.</li></ul> <p>B) Consequent upon securing such an agreement, the Council resolves to grant planning permission for the proposed development subject to the reasons for grant and conditions.</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 site is the former Dalton Allotments and is located to the west of Dalton Lane, north of Laudsdale Road, and to the east of Lady Oak Road, Dalton and is approximately 3.9 hectares in size.

Prior to 2012, Dalton Allotments were subject to a formal closure order. During the adoption of the Local Plan the site was re-allocated to residential from its previous Urban Greenspace allocation. There are no recreation facilities on the site and the northern and western areas are generally the flatter parts of the site and have easier access provision. These areas appear to be mainly used as a dog-walkers area, with the more steeply sloping areas comprising of rough grassland and waste ground. The site is open to access by the general public however the dense undergrowth significantly restricts access to the majority of the site.

The areas immediately adjacent to the application site are mainly longstanding residential areas. The majority of the properties to the north and east are two storey in height with the properties to the south-west of the site along Laudsdale Road/Lady Oak Road being a wider range of styles including some apartments two and three storeys in height.

There are currently no means of vehicular access across the site and no definitive rights of way.

Since the grant of outline planning permission the northern part of the site off Saville Street, which was included within the red line boundary is no longer available as the land has been used for the erection of a new medical centre in 2014.

## **Background**

The only previous planning history on this site was the submission of an outline application RB2010/0781 which was approved in November 2014.

This application is submitted as the reserved matters of this outline application for residential development (up to 200 dwellings) and is live until November 2019. The northern section of the site has been omitted from this application and now has had the Vale Health Centre constructed on it.

Being a Reserved Matters application with no increase in floorspace the development is not Community Infrastructure Levy (CIL) liable.

A contribution towards Green Spaces improvements was secured under a Unilateral Undertaking of £80 000 and Highway Infrastructure Improvements to the Mushroom Roundabout of £28 000 as part of the outline application.

Affordable Housing was conditioned as the site was in tripartite ownership with the Council being a landowner..

## Environmental Impact Assessment

A screening opinion was carried out in October 2010 in relation to the previous application for up to 200 dwellings on the site to determine whether an Environmental Impact Assessment should accompany the application. It was concluded that an Environmental Impact Assessment was not required to accompany that application. The Regulations have since changed such that screening opinions are now only required for Urban Development Projects on sites exceeding 5 hectares, which does not apply in this instance. As such, no screening opinion is required.

## **Proposal**

The application seeks full planning permission for the erection of 145 dwellings comprising a mix of 2, 3 and 4 bedroom properties in the form of detached, semi-detached and terraced dwellings. The number and percentage of units are set out below:

<b>Type of dwelling</b>	<b>No. of Units</b>	<b>%</b>
2 bedroom terraced/semi detached	24	17%
2 bedroom semi-detached	6	4%
2 bedroom semi-detached	9	6%
3 bedroom semi-	16	11%

detached		
3 bedroom detached	18	12%
3 bedroom detached	12	8%
3 bedroom semi-detached	17	12%
3 bedroom detached	5	3%
3 bedroom semi-detached	14	10%
3 bedroom detached	12	8%
4 bedroom detached	5	3%
4 bedroom detached	7	5%

The Affordable Housing has been formally submitted as part of a Unilateral Undertaking to be carried out by the developer as summarised below:

- 39 no. 2 bed units will be provided as Affordable Housing Units on the Site
- The Affordable Housing Units will comprise the following;
  - 24no. 651 sq ft “201” units with a maximum selling price of £94,960
  - 6no. 671 sq ft “202” units with a maximum selling price of £94,960
  - 9no. 671 sq ft “212” units with a maximum selling price of £94,960
- The unit selling prices will be reviewed each year in April when the new National Living Wage is announced (or other such date as this is released) with an allowance to increase in line with the increase in the National Living Wage in the same period, the selling prices to be increased in line with the following formula;

$$NS = N/C \times CS$$

Where NS is the new selling price

N is the new National Living Wage

C is the current National Living Wage

CS is the current unit selling price

- The selling prices exclude garages and any purchaser extras which will be over and above the discounted price.
- The Affordable Housing Units will be sold only to purchasers under the age of 40 who are first time buyers. Where there are joint purchasers at least one purchaser must be under the age of 40 and at least one purchaser must be a first time buyer.
- The Affordable Housing units will be sold only to purchasers whose annual household income is no more than £80,000.

There will in any case be a minimum of 25% of all units. They will be delivered in a standard build programme as released.

Supporting documents

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

#### Design and Access Statement

Assesses the design principles associated with the proposed development based on an appraisal of the character of the local built environment. A Building for Life Assessment was also submitted.

The application proposal provides a clear hierarchy of streets within the development that are both permeable and legible. The development provides a mix of two, three and four bedroom detached and semi-detached properties.

The density of the scheme is approximately 38 dwellings per hectare. The applicant considers the massing and scale is considered to be appropriate for a residential scheme in this urban location.

Car parking is provided within the curtilage of individual plots. The layout of the scheme will not cause harm to the residential amenity of existing and future residents; normal separation distances would be achieved between each of the plots within the scheme.

The layout of the scheme results in good levels of natural surveillance throughout the site and it is not considered that the development would give rise to concerns regarding security.

#### Economic Impact Report

- Construction on this site will help to sustain or create 213 Full Time Equivalent Direct Job/years during the anticipated 6 year construction phase.
- It is estimated by the HBF using a typical multiplier, that an additional four jobs are sustained or created for every new home constructed. This suggests that this proposal will help to sustain 568 indirect job/years in the wider community and supply chain.
- Based upon the experiences and expectations of Gleeson, the average household size of buyers of the new homes will be 2.4 persons. This will provide 341 additional residents.
- Gleeson focuses solely on building low cost homes for people on low incomes. In the full year January to December 2014 the profile of Gleeson customers on comparable regeneration sites with Dalton Lane are:
  - Approximately 80% are first time buyers.
  - Approximately 80% move from Council / Housing Association or private rented properties.
  - Approximately 70% lived within 3 miles of the development.

#### Remediation Implementation Plan

- To detail the procedures for the implementation and subsequent verification of remedial works to deal with contamination found within the topsoil and made ground on the site.
- To ensure that upon completion of the proposed residential development, the site can be shown to be suitable for its intended use and that it will not pose unacceptable risks to future receptors.
- On completion of the verification works, the appropriate verification documentation, detailing the works that have been completed in accordance with

the agreed Implementation Plan, will be forwarded to the NHBC and the Local Authority.

- Should any remediation affecting controlled waters have been required and consequently undertaken, verification documentation will also need to be issued to the Environment Agency for their approval.

#### Japanese Knotweed Survey

- The results of this survey work qualified that infestation is well established on the site amounting to some 1,917 square metres
- Area A is a large infestation is positioned in the northern boundary. Small sections of re-growth were recorded in this area at the time of survey. If disturbed we believe that this infestation will regenerate.
- Area B is a small infestation restricted to the traveller's bund and eastern boundary. A single cane from last year was identified in this area thus suggesting that the infestation was still active however most of the area appeared to be inactive. If it's disturbed we believe that this infestation will potentially regenerate.
- Area C is a small infestation positioned within a low mound in the east of the site. No re-growth was recorded in this area but the 'snap test' displayed potentially viable rhizomes thus suggesting that if disturbed this infestation could potentially re-generate.
- Area D is a medium sized infestation in the south of the site. Again last years' was identified in this area thus suggesting that the infestation was still active however most of the area did appeared to be inactive.
- As the infestations are still viable a mechanical remediation strategy will be required in order to facilitate the proposed development.

#### Tree Survey

- The trees surveyed lie scattered across the site, with a few along the site perimeter and two lengths of semi-formal rows (G1 and H2).
- The principal tree species on or adjacent to the site are Ash and Sycamore. These are mostly found as isolated specimens, as well as a single mature specimen (T19).
- Other tree species present are Willow, Bird Cherry and Birch.
- Shrub species (mostly Hawthorn, Privet, Elder and Goat Willow) are found within overgrown hedges running across the centre of the site and as isolated self-sown specimens.
- The most visually-prominent trees are:

The early mature trees (T19-G20) along the site boundary in the south west corner.

The group of trees T10-T13 that form a loose group in the centre of the site.

Other than the above, the vegetation on site is only of modest quality and height (around 10m maximum) so has little visual significance.

The hedgerows are generally overgrown gappy features and have only modest visual significance in the local landscape.

- The majority of trees surveyed fall within the 'Early mature' and 'Semi Mature' categories and all but one are in Fair or Good condition with no action required in the main. No trees were categorised within the 'A' Category, eg within the highest class , of high quality with an estimated life expectancy of at least 40 years.

## Ecological Assessment

An Extended Phase 1 Habitat Survey and mapping exercise was carried out using standard Phase 1 Habitat survey methodology (JNCC, 2010). The survey aimed to identify any potential ecological constraints to the proposed development. This included the following:

- A search for badger (*Meles meles*) setts and field signs within the site and 30m radius (where accessible);
- An assessment of trees and buildings on site, to ascertain their potential for roosting bats, based on criteria within the third edition of the Bat Conservation Trust's Good Practice Guidelines (Collins, 2016);
- An assessment of the site's potential to support breeding birds;
- An assessment of the site's potential to support great crested newt (*Triturus cristatus*);
- An assessment of the potential of the site to support reptiles.
- The extensive areas of scrub, and the two hedgerows, are likely to support a range of breeding birds. Any vegetation removal should ideally therefore take place outside of the main bird breeding season.
- It is considered unlikely that the site would support reptiles given its location within a largely urban setting, surrounded by development on all sides.
- The site does not contain any trees, buildings or structures with above Negligible potential to support roosting bats. Based on this assessment, development of the site is unlikely to affect roosting bats.
- No field evidence of badger was found within the site and the immediate surroundings (where accessible).

## Geo-environmental Appraisal

- The majority of the site comprises former allotments and is generally overgrown, which restricted access for the investigation. Several concrete and metal obstructions are also present from the former allotment sheds. Housing used to be present in the western and northern parts of the site. The western of these areas comprises open space covered with tarmac and site cabins and containers in the south.
- Topsoil made ground, including fragments of plastic, metal, bricks, concrete and rare asbestos containing material, was found across the majority of the site up to a maximum of 0.6 m.
- No groundwater was encountered.
- The most suitable foundations are considered to be strip or trench fill footings, taken through any made or soft ground to a minimum depth of 900 mm below existing or proposed ground level.
- A fault is inferred to cross the northern quarter of the site, with sandstone expected to the north and mudstone to the south. Future movement of the fault is not expected to occur.
- Concrete obstructions were encountered in the western part of the site below previous buildings. Old services from previous development are also present. Strong sandstone was encountered in the south eastern quarter of the site from around 1.5 m.
- The infiltration results are variable with soakaways not considered viable across the majority of the site. However, more tests are recommended in the south



eastern part of the site where sandstone is present, once the area has been cleared to further investigate the potential for soakaways in this part of the site.

- No radon precautions are required.
- Future investigation will be required in the inaccessible areas to visually inspect for the presence of asbestos containing material and collect further samples for asbestos testing.
- Possible Japanese Knotweed stands were located in the northern part of the site. A survey is recommended to determine the extent of this and identify other locations where it could be present.

### Noise Assessment

Attended measurements of noise were carried out at eight locations detailed as follows: Position 1 – Northern boundary of site, representative of proposed Plot 80. Position 2 – Centre of site, representative of proposed Plot 110.

Position 3 – South western boundary of site, representative of proposed Plot 46.

Position 4 – South eastern boundary of site, representative of proposed Plot 22.

Position 5 – North west corner of site, representative of proposed Plot 134. Position 6 – Western boundary of site, representative of proposed Plot 122. Position 7 – South west boundary of site, representative of proposed Plot 8. Position 8 – North east corner of site, representative of proposed Plot 60.

The attended noise measurements were carried out at a height of 3m above ground at Position 3 to avoid the influence of the existing barrier fence to the south east which separates the site from Bosville Street. All other noise measurements were carried out at 1.5m above ground.

During the daytime, noise levels across the site are LAeq,16hour 48-64dB. During the night-time, noise levels across the site are LAeq, 8hour 41-46dB, with maximum levels in the range LAFmax 56-65dB.

During the daytime noise levels at the site are dominated by road traffic movements on Dalton Lane and other surrounding roads.

During the night-time, road traffic movements reduce and noise associated with the distant industrial uses is audible, though not significant.

A noise mitigation strategy has been developed, by considering the character to the noise impacting on the proposed development, as well as the noise insulation and noise control requirements for the proposed plots. The mitigation scheme that has been proposed and specified satisfies internal and external noise levels in accordance with BS 8233 and WHO Guidelines for Community Noise

### Transport Assessment

#### Trip Generation

- Traffic generation is typically determined by reference to the TRICS database, which is based upon the results of traffic surveys undertaken at numerous developments throughout the country.
- All Gleeson Homes developments are focussed on providing affordable housing to meet local needs and to provide opportunities for people to get onto the housing ladder. Therein it has long been considered that the use of TRICS database could lead to an overestimation of the traffic generation of their

developments and the resulting offsite traffic impact. In order to predict the level of vehicular trips that might be made as a result of the residential development, prior to any travel planning measures being in place, trip rate data derived from traffic surveys, undertaken at 9 Gleeson Home developments throughout the north of England has been used.

- The development is expected to generate in the order of 84 two-way trips in the AM peak hour and 93 two-way trips in the PM peak hour.

#### Development Traffic Distribution

Outbound Route	% of Development Trips
Eastern Access - Dalton Lane - A630 WB	23.5%
Eastern Access - Dalton Lane - A630 WB - A6123 SB	7.3%
Eastern Access - Dalton Lane SB - Brecks Lane SB	2.6%
Bosville St - Dalton Lane - A630 WB	23.5%
Bosville St - Hardwick Sreet EB - Dalton Lane SB	2.6%
Bosville Street - Laudsedale Road - A6123SB	7.3%
Western Access - Laudsedale Road - A6123 NB	25.2%
Western Access - Laudsedale Road - A6123 SB	8.1%

The uplift in traffic as a consequence of the proposals at the junctions of Dalton Lane / A630 and Laudsedale Road / A6123 as a consequence of the development. is minimal;

- A maximum 1.9% increase at the Dalton Lane / A630 junction is anticipated.

#### Travel Plan

- The site is situated in an accessible location; various retail outlets, employment facilities, recreation facilities, health care facilities and schools are within a reasonable walking distance. Further employment areas, schools, leisure centres, recreation facilities and the railway station are all located within cycling distance of the site or accessible by regular bus services.
- Overall, it is concluded that a range of key facilities and services, including employment, retail, health and education uses, are readily accessible from the site. It is therefore considered that the location of the site is consistent with national and local policy objectives.
- Walking – Is recognised as the most important mode of travel at a local level and it offers the greatest potential to replace short car trips, particularly under two kilometres. Footways will be provided within the site linking into the established pedestrian network within Dalton. This existing and proposed provision will connect the site with the existing public transport facilities, employment, education and retail facilities in the vicinity and the existing residential settlement surrounding the site.
- Cycling – Cycling also has the potential to substitute for short car trips, particularly those under 5 kilometres, and for part of a longer journey by public transport. The site is accessible by cycle from the local highway network and dedicated cycle storage will be provided at every dwelling. The proposed development site is located within a suburban residential area of Dalton, where local residential streets are subject to a 30mph speed limit (and less in some areas). There is a traffic free cycle route 350m from the development running north-south alongside Herringthorpe Valley Road.

- Public Transport – The proposed development site is well located in terms of its proximity to public transport services, including existing bus services. Residents benefit from a number of bus stops being located within walking distance of the site; the closest stops are located on Laudsdale Road and Doncaster Road. The stops are served by the core bus network with frequent services towards the Rotherham town centre and other key locations, with a daytime frequency (Monday to Friday) of up to 12 services an hour utilising the stops. This is comprised of several key services including, numbers 4,15, 37, and X78 providing regular links to Rotherham town centre, Doncaster, and Sheffield.

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

The application site is allocated for residential purposes in the Development Plan following the adoption of the Sites and Policies document. For the purposes of determining this application the following policies are considered to be of relevance:

CS1 Delivering Rotherham's Spatial Strategy  
 CS3 Location of New Development  
 CS6 Meeting the Housing Requirement  
 CS7 Housing Mix and Affordability  
 CS20 Biodiversity and Geodiversity  
 CS21 Landscape  
 CS22 Green Space  
 CS25 Dealing with Flood Risk  
 CS28 Sustainable Design  
 CS33 Presumption in Favour of Sustainable Development  
 SP11 Development in Residential Areas  
 SP26 Sustainable Transport for Development  
 SP32 Green Infrastructure and Landscape  
 SP33 Conserving and Enhancing the Natural Environment.  
 SP37 New and Improvements to Existing Green Space  
 SP39 Design and Location of Green Space, Sport and Recreation  
 SP52 Pollution Control  
 SP55 Design Principles

### **Other Material Considerations**

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

National Planning Policy Framework: The revised NPPF came into effect on July 24<sup>th</sup> 2018. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

## **Publicity**

The application has been advertised by way of press and 4 site notices around the perimeter of the site along with individual neighbour notification letters to properties immediately surrounding the site. A total of 2 letters of representation have been received and can be summarised as follows:

- The land is full of vermin – how will this be resolved. The concern is people having houses overrun when the land is being disturbed.
- General issues of security and privacy to existing properties on Constable Way.

Three Rights to Speak have been received including the applicant.

## **Consultations**

RMBC Transportation Infrastructure Service – originally raised concerns but are now satisfied with the proposal. No objections subject to conditions as well as a Traffic Regulation Order and a Stopping Up Order.

RMBC Affordable Housing – confirm that the site will now deliver 25% affordable housing in accordance with the revised definition of the NPPF.

RMBC Landscape Design – originally raised concerns regarding the lack of any landscape masterplan, however following the submission of this additional information raise no objections to the proposal subject to suitably worded conditions requiring a detailed landscape scheme.

RMBC Drainage – originally raised concerns about the proposed development due to lack of information. However following the submission of additional plans and calculations, no objections subject to conditions requiring final drainage details.

RMBC Environmental Health (Noise) – no objections to the proposed development subject to suitably worded conditions.

Consultant Arboriculturist (on behalf of Trees and Woodlands) – no objections

RMBC Ecology – overall no objections subject to conditions including a biodiversity enhancement scheme.

Yorkshire Water – initial objection which has now been overcome. No objections subject to conditions.

Environment Agency – no objections

South Yorkshire Fire and Rescue – no objections subject to informatives

Police designing out crime officer – no objections subject to informatives

## **Appraisal**

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

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

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

The main considerations in the determination of this application are:

- Principle of Development
- Design and Visual Amenity
- Residential Amenity
- Flood Risk and Drainage
- Highways Issues
- Affordable Housing
- Ecology/Biodiversity Matters
- Landscaping/Tree Matters
- Noise Issues
- Planning Obligations
- Other issues

### Principle

This application has been submitted as reserved matters to a previously approved outline application RB2010/0781 which was granted on 17<sup>th</sup> November 2014. This application was submitted within 3 years of the grant of this outline permission which was subject to a Unilateral Undertaking. This amounted to £108,000 which incorporates a contribution towards Green Space improvements of £80k and a highway contribution of £28k.

During the determination of the outline application the site was allocated for Urban Greenspace purposes in the UDP due to its historical use as a former allotment site. The outline application justified the principle of residential development. The site was subsequently formally allocated for residential purposes in the Local Plan.

The principle of development has therefore been established by the outline planning permission and the development proposed under this current application does not alter significantly from the earlier approved outline scheme. Accordingly, the proposed residential development is considered to be in accordance with the NPPF and Core Strategy Policies 3, 6 and 33.

### Design and Visual Amenity

The National Planning Policy Guidance (March 2014), notes that: "Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations."

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

Sites and Policies Plan Policy SP58, states: “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”.

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

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

As previously outlined in the proposal section of this report, the development has been designed to reflect the topography of the site. The proposal sets to deliver a total of 145 dwellings comprising a mix of house types which include 2, 3 and 4 bedroom dwellings. This mix of house types is considered to provide a good housing range which is considered essential for the creation of a cohesive residential development. However as indicated within the table included within the proposals section, a greater proportion of the units are considered to be aimed at first time buyers and starter homes at the bottom end of the housing market.

The proposed house types have been designed to respond to the site context. They are similar in scale to those found in the immediate area and arranged as detached, semi—detached and terraced units. They are considered to be traditional in appearance with elements such as window openings, styles and details being repeated across the range to provide some form of continuity. The proposed materials include buff and red brickwork, mock slate roof tiles, UPVC windows and composite front doors which reflect those found in the immediate locality.

Having regard to the provision of on site green space, Policy SP37 is relevant which states:

*“Residential development schemes of 36 dwellings or more shall should normally provide 55 square metres of Green Space per dwelling, on site where necessary to ensure that all new homes are:*

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

*d. In all cases where new Green Space does not have to be provided on site, then developer contributions will be sought to enhance existing Green Space based on an assessment of need within the local area at the time of any planning application and proportionate to the scale and nature of the planned development.”*

In this instance and having regard to the above, the outline application provided a contribution of £80 000 towards local Green Space improvements through the original submission of a Unilateral Undertaking. The offer was based on a total of 200 units on the site and this reserved matters application cannot therefore revisit this element of the scheme. The contribution of the money is considered to meet paragraph ‘d’ of SP 37 and this aspect of the proposal is considered acceptable.

Overall, it is considered that the scheme has been adequately designed taking account of the characteristics and constraints of the site and the character of the surrounding area. Therefore the scheme is considered to be of an appropriate size, scale, form, design and siting that would ensure it would enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes and will be visually attractive in the surrounding area.

In light of the above it is considered that the design of the proposal is one that is acceptable and would satisfy the relevant design policies and guidance of the NPPF, Core Strategy policies CS6 and CS28 and Sites and Policies Document Policy SP37.

### Residential Amenity

The NPPF notes at paragraph 124 that: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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.”

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

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

The existing properties along Bosville Street have the potential to be most affected by the proposed development. However, plots 51 to 55 are sited in excess of 12m away from the side elevations of the existing properties and plot 50 which has been slightly

re-orientated is approximately 21m away from the existing rear elevation of 39 Bosville Street. This is on a slightly different plane to no. 39 and meets the minimum recommended spacing distances as defined in the SYRDG.

In more general terms the layout has been amended to re-orientate plots which were close to the lower spacing limits which helps reduce the impact of development in terms of overshadowing and loss of privacy. Furthermore, the relationship between the existing and proposed dwelling meets the 45 degree rule as set out in the South Yorkshire Residential Design Guide that relates to back to side situations and is in place to protect the amenity and avoid an overbearing relationship between buildings.

With the above in mind, it is therefore considered that the proposed development would not have any impact on the existing amenity levels of the occupiers of neighbouring properties. This is because the proposal would not cause any significant loss of privacy or result in any overshadowing of neighbouring properties or amenity spaces. As such the proposal would comply with the advice contained within the SYRDG and that contained in the NPPF.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 62sqm for 2 bed properties, 77sqm for 3 bed properties and 93sqm for 4 bed properties. The supporting information submitted with the application indicates that Gleeson aims specifically at the budget end of the market with an emphasis on affordability for first time buyers. The vast majority of the house types proposed adhere to these space standards and each property will have a private rear garden and either allocated parking or a driveway. Whilst it is acknowledged that a small number of the rear garden areas do not meet the suggested guidance which indicates 'no elevation within 10 metres of a boundary' due to their relationship with retaining structures, the widths of these gardens achieve at least 50sqm and do not affect amenity levels of existing residents. In all instances where there is the potential to overlook an existing property, the proposals meet the minimum spacing of 10metres.

Having regard to the above it is considered that the proposed layout is in accordance with the guidance outlined in the SYRDG and Council's Local Plan.

### Flood Risk and Drainage

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

The NPPF at paragraph 163 notes that: "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and, it can be demonstrated that:



- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”

In assessing this issue, a flood risk statement has been submitted in support of the application. This assessment confirms that the site lies within Flood Zone 1 as identified on the Environment Agency (EA) maps. The redevelopment of the site will not be expected to displace any flood waters and according to the EA surface water maps, the site is at a low risk of surface water flooding. The EA have raised no objections to the proposals.

Whilst the site does not lie within a known surface water flood risk area, the Council’s Drainage Engineer initially objected to the scheme because the surface water drainage had not been sufficiently considered and the proposed layout did not allow for accommodation of the required attenuation storage. However, following submission of additional plans and calculations these revised drainage details are acceptable subject to a condition incorporating a detailed flood routing plan showing how exceptional flows generated within or from outside the site will be managed including overland flow routes.

Yorkshire Water have confirmed that the revisions made in the latest layout show that all buildings/trees within the site boundary are now clear of the 375mm sewer crossing the site and this has the appropriate 5m easement.

Condition 17 of the outline permission required a surface water discharge rate of 5 litres a second per hectare.

Since the outline permission was received the developer has submitted evidence that the impermeable area of the existing/previous use of the site is greater than first thought and the submitted "Engineering drawing" shows a higher level of surface water draining to public sewer. This being the case Yorkshire Water has no objection in principle to the proposed separate systems of drainage on site and off site, the anticipated amount of domestic foul water to be discharged to the public combined sewer, the proposed amount of curtilage surface water to be discharged to the public combined and surface water sewers (at a restricted rate totalling 39.62 (thirty nine point six two) litres/second. The proposed points of discharge of foul and surface water to the respective public sewers is considered acceptable.

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

### Highways Issues

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

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of

travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.

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

The NPPF further notes at paragraph 102 that: “Transport issues should be considered from the earliest stages of plan-making and development proposals, so potential impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised, opportunities to promote walking, cycling and public transport use are identified and pursued; the environmental impacts of traffic and transport infrastructure can be identified and assessed and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.”

Paragraph 103 to the NPPF further goes on to note that: “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”

Following initial concerns raised by RMBC’s Transportation Unit, several amendments were made including to the sight lines and the reduction of the amount of gravel on driveways. The Transportation Unit have confirmed that the proposed layout now complies with guidance from The South Yorkshire Residential Design Guide and Manual for Streets. The proposed layout has been designed to accommodate a 20mph speed limit, this will require the applicant to apply for and fund a Traffic Regulation Order and the proposed traffic calming measures implemented as indicated in draft form on Drg No P0404.20180704.SK006.

The application indicates that parts of the existing adopted highway are to be closed. The Transportation Unit confirm that they have no objection to the closure in a highway context and subsequent to planning permission being granted the applicant will need to apply for ‘A Stopping Up Order’ under S247 of the Town and Country Planning Act 1990.

Overall the Transportation Infrastructure Service have no objections to the granting of planning permission in a highways context subject to conditions. These include methods to improve sustainability, traffic calming measures, road sectional details and a Travel Plan.

Having regard to all of the above, it is considered that the revised details are acceptable. The development is therefore considered to be sited in a sustainable location and would satisfy the provisions of Policy CS14 ‘Accessible Places and Managing Demand for Travel and paragraphs 102 to 111 of the NPPF.

### Affordable Housing

Annex 2 of the revised NPPF was amended in July 2018 and now defines Affordable Housing as follows:

“Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions:

*a) Affordable housing for rent: meets all of the following conditions:*

*(a) the rent is set in accordance with the Government’s rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable);*  
*(b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and*  
*(c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).*

*b) Starter homes: is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household’s eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.*

*c) Discounted market sales housing: is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.*

*d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.”*

The applicant has offered a Unilateral Undertaking to secure the affordable housing offer as well as discharging condition 4 of the outline planning permission. The submitted offer is as follows;

- *To discount all 2 beds to a price of £94,960.00*
- *This equates to a full price of £118700, and represents a 20% reduction.*
- *Price to be held on all completions on or before the next national living wage rise in April 2019*
- *Additional annual increases to be limited to being no greater than the annual percentage increase to the national living wage given every April.*

- *Our 2 bed homes to be standard spec, and sold with a parking space. Garages and customer extras are on top of the price.*
- *Sold only to under 40s who are FTBs.*
- *Sold only to households where annual income is no more than 80k.*

The locations of the Affordable Housing units are spread evenly throughout the site. The applicant has indicated that this is a specific offer for this site, and reflects the outline permission RB2010/0781 with its specific Affordable Housing condition. Rotherham's Affordable Housing Officer has confirmed that this offer is acceptable and in conformity with the revised AH definitions as indicated in annex 2 of the revised NPPF.

### Ecology/Biodiversity Matters

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

The NPPF further advises at paragraph 174 that: "To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."*

The Council's Ecologist has assessed the content of the appraisal and acknowledges that the current site has limited ecological value. The development site does not contain any buildings or other structures with potential to support roosting bats and the development of the site will not impact upon roosting bats as the site contains no features of value to them. It is recommended that vegetation clearance should be conditioned. Tree and shrub planting could be undertaken as part of biodiversity enhancement. Bird boxes could also be erected (as part of biodiversity enhancement) if appropriate areas could be found. The Ecologist does not recommend erecting bat boxes because the site is urban, well-lit and therefore likely to be of low value to bats.

Subject to biodiversity enhancement conditions, the proposals therefore accord with the provisions of Policy CS20 'Biodiversity and Geodiversity and Policy SP33 'Conserving and Enhancing the Natural Environment'.

### Landscaping / Tree Matters:

With respect to these matters Policy CS21 'Landscapes,' states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes by ensuring that landscape works are

appropriate to the scale of the development, and that developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.

The proposed development is supported by a Tree Report. The report concludes that the majority of trees surveyed in the site fall within the 'Early mature' and 'Semi Mature' categories and all but one are in Fair or Good condition. No trees were categorised within the 'A' Category, eg within the highest tree class of high quality with an estimated life expectancy of at least 40 years. The Tree Officer concurs with this view.

Having regard to the above, it is acknowledged that the removal of trees and shrubs will result in a partial reduction of amenity. However the existing trees are of low quality and new tree, shrub and hedge planting as indicated on the indicative landscape proposals will help to provide an improved level of amenity in the future and as a result mitigate against the loss of trees and vegetation on site in accordance with the provisions of Policy CS21 Landscapes.

Turning to the proposed landscaping scheme, it is proposed to have a mix of tarmac and gravel surfacing and the boundary treatment comprises of a mix of fencing and walls.

Taking account all of the above the Landscape Design Service notes that the submitted landscape scheme, as revised, takes into account some of the comments previously made though it is considered that a final landscape scheme should be submitted. Subject to the imposition of the recommended condition in respect of the requirement for further information relating to species, it is considered that the proposals accords with Policy CS21 'Landscapes.'

### Noise Issues

Paragraph 123 of the NPPF states: "Planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

Planning Practice Guidance Paragraph 008 Noise states that the adverse effects of noise can be mitigated by either:

- Engineering
- Layout
- Use of planning conditions/obligations
- Mitigation.

A Noise Assessment has been submitted with the application which states that daytime noise levels across the site are LAeq, 48-64dB with night-time, noise levels across the site are LAeq, 41-46dB, with maximum levels in the range 56-65dB. Daytime noise levels at the site are dominated by road traffic movements on Dalton Lane and other surrounding roads. Night-time, road traffic movements reduce and noise associated with the distant industrial uses is audible, though not significant.

A noise mitigation strategy has been developed, by considering the character to the noise impacting on the proposed development, as well as the noise insulation and noise control requirements for the proposed plots. The mitigation scheme that has been

proposed and specified satisfies internal and external noise levels in accordance with BS 8233 and WHO Guidelines for Community Noise.

Neighbourhoods (Environmental Health) have raised no objections to the proposed development subject to the imposition of recommended conditions. It is considered that noise levels are similar to those of the surrounding residential areas and are considered to be of a satisfactory level in line with the guidance set out in the the Local Plan and the NPPF.

### Air Quality Issues

The site lies close to the Doncaster Road, though does not lie within a formally identified Air Quality Management Area.

### Planning Obligations

The previously approved outline application was submitted on a site that was within tripartite ownership (with the joint owners being Rotherham Council, Dalton Parish Council and the Diocese of Sheffield) and so it was not practical to enter into a S106 agreement as part of this application as would normally be the case. However, the offer of a Unilateral Undertaking was submitted for Green Space and Highway improvements.

An Affordable Housing requirement of 25% was therefore conditioned in line with government advice. This equates to 38 units across the site. The applicant initially sought to remove this condition (which was being considered separately under application RB2017/0793) through the submission of a viability appraisal. However, following revised AH definitions which have been outlined in the NPPF, the developer now considers that they can offer the full affordable housing provision of 25% in line with the criteria set out in appendix 3 of the NPPF.

### **Conclusion**

The principle of development has previously been established under the outline permission and it is considered that this reserved matters application has a layout that is acceptable and in accordance with the minimum recommended internal and external spacing standards in the majority of cases.

The revised layouts are now acceptable in terms of drainage and flood risk and there are no buildings or trees that will obstruct the sewer pipe crossing the southern section of the site.

The revisions also meet the expected highway layout which shows a mix of through roads, cul-de-sacs and shared surfaces. All of the proposed units have individual off road parking available designed to reduce the amount of car dominated frontages. The proposed Affordable Housing units are spread evenly across the site.

Having regard to the above along with the previously approved outline application RB2010/0781 it is considered that the proposed development would represent an acceptable and appropriate form of development on this sustainable site that would be in compliance with the requirements detailed within the Local Plan as well as the NPPF.

It is recommended that planning permission be granted subject to the following conditions.

### **Conditions**

General

01

The development hereby approved must be begun not later than two years from the date of this reserved matters application.

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990 and to comply with the conditions of the outline application RB2010/0781.

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)

Location plan

Site Plan Revision P (10.10.18)

House types 313/1-, 314/1-, 401/1G, 405/1E, 307/1B, 309/1E, 310/1D, 311/1A, 405, 201/1F, 202/1F, 212, 301/1G, 304/1E, 310/C, 311/B, 13/313/314-9, 401/C, 13/301/D, 13/401/C, 13/304/E, 13/307/E, 13/212, 13/201/D,

Drainage Engineering drawing 18/682/8982D dated 25/09/2018 prepared by James Eaton Design Ltd

Japanese knotweed strategy

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

Transportation

04

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

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

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

#### Reason

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

05

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 programme of implementation, monitoring, validation 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 monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

#### Reason

In order to promote sustainable transport choices.

06

Prior to the commencement of works a Construction Traffic Management Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for; Vehicle routing / storage / loading / unloading of materials / plant; and car parking facilities for the construction staff..

#### Reason

In the interests of road safety.

07

Before the development is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority.

#### Reason

In the interests of road safety.

08

Before the commencement of the development, details of the proposed traffic calming measures in Dalton Lane as shown in draft form on Drg No P0404.20180704.SK002 rev A shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of a dwelling.

#### Reason

In the interests of road safety.

#### Flood Risk/Drainage

09

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 and will be safe from flooding in accordance with the Local plan and the NPPF.

#### Contaminated Land

10

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

#### Reason

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

11

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

#### Noise/Dust

12

Following completion of any remedial/ground preparation works a dust mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. On receiving any dust complaints the operator shall undertake nuisance dust monitoring. The monitoring locations shall be agreed with the Local Planning Authority prior to any monitoring being undertaken.

#### Reason

In the interests of the amenity of the locality and in accordance with Local Plan.

#### Landscape

13

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

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

The scheme shall thereafter be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

#### Reason

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

14

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

#### Reason

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

15

Prior to the occupation of the first dwelling a biodiversity enhancement statement, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

#### Reason

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

## **Informatives**

### **Noise Disturbance**

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

(i) Except in case of emergency, operations should not take place on site other than between the hours of 08:00 – 18:00 Monday to Friday and between 09:00 – 13:00 on Saturdays. There should be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority should be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

(iv) Effective steps should be taken by the operator to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

### **South Yorkshire Fire and Rescue**

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

## **POSITIVE AND PROACTIVE STATEMENT**

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

<b>Application Number</b>	<b>RB2018/0087</b>
<b>Proposal and Location</b>	Demolition of existing 1st storey, erection of new 1st & 2nd storeys to create 4 No. apartments and subdivision of ground floor to create shop and café at 186 Bawtry Road Wickersley
<b>Recommendation</b>	Grant subject to conditions

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



**Site Description & Location**

The site to which this application relates comprises of an existing building which is mainly single storey, with a small first floor element central to the building. The building is constructed from brick and is of commercial appearance. It is located across Fairways to the west of the Tanyard shopping centre and fronts Bawtry Road, with the Seven Seas fish and chip restaurant located adjacent to the south west. The site also includes a small yard area to the rear of the building.

**Background**

- RB1989/0118 Extension to shoe warehouse and shop – granted 03-04-89
- RB1984/507 Front extension to warehouse - granted – 24-05-84
- RB1983/0783 Extension to office and retail shoe shop – granted 21-07-83
- RB1977/0459 Extension to warehouse – granted 20-04-77

- RH1971/7060 Extension to warehouse – granted 06-12-71
- RH1971/6852 Outline for erection of extension to form garage – refused-02-08-71

## **Proposal**

This is a full application for the demolition of the existing 1st storey, and the erection of a new 1st and 2nd storeys to create 4 No. apartments and the subdivision of the ground floor to create shop and café and the provision of new shopfronts on the front and side elevations. The proposal also includes a car parking area to the rear for 4 cars, with a bin and cycle storage area.

The ground floor is to be separated into two units, one A1 retail unit 191sqm in size, and one A3 restaurant/café unit 155sqm in size. The proposed first and second storey extension would contain 4 two bedroom apartments.

The application has been amended through the process to amend the design of balconies and windows on the south western elevation, and the design of the shopfront has been amended.

The applicant was also requested to submit a Transport Statement which addresses the likely parking demand and how it will be met, details of delivery arrangements and measures to promote non-car modes. This was subsequently submitted and included a plan showing the reinstating of the kerblines to Bawtry Road; the provision of bollards on Bawtry Road/Fairways frontage to prevent indiscriminate vehicular parking/manoeuvring and the provision of cycle stands in the vicinity of the entrance to the building to promote sustainable travel.

## **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 27th June 2018.

The application site is allocated for Retail (District Centre) Use in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

### Local Plan policy(s):

CS12 Managing Change in Rotherham's Retail and Service Centres  
 CS14 Accessible Places and Managing Demand for Travel  
 CS25 Dealing with Flood Risk  
 CS27 Community Health and Safety  
 CS28 Sustainable Design  
 SP19 Development within Town, District and Local Centres  
 SP26 Sustainable Transport for Development  
 SP47 Understanding and Managing Flood Risk and Drainage  
 SP52 Pollution Control  
 SP55 Design Principles  
 SP59 Shop Front Design

## **Other Material Considerations**

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched. It was last updated in 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 application has been advertised by way of a site notice along with individual neighbour notification letters to adjacent properties. 6 letters of representation were received to the original application, including one from Wickersley Parish Council. The amended plans have been re-advertised by letters being sent to the people who originally made representations, though no further comments have been received to the amended plans. The main points raised by the original representations are as follows:

### Local residents:

- Parking is already a problem on surrounding roads, and the development would make this worse.
- Lack of parking and servicing provision, and road safety issues.
- Intensification of commercial use.
- No need for additional shops and eateries in Wickersley, there are already existing vacant units.
- Don't want large franchise companies destroying independent traders.
- The design of the building would lead to overlooking of the adjacent property
- The adjacent property has air conditioning units, refrigeration equipment and extraction equipment which omit noise/smells.
- Party Wall issues
- No right of view over neighbour
- The proposal would sterilise any future development of land for the neighbour

### Wickersley Parish Council:

- Parking is already a problem on surrounding roads, and the development would make this worse - it is anticipated that some 20 staff will be employed.
- Lack of servicing provision which would lead to large delivery vehicles unloading on Fairways or Companions Close and to the detriment of road safety.
- Proposal will intensify the commercial use as well as adding residential development which together cannot be satisfactorily serviced within the application site.

At the time of writing this report no right to speak requests had been received.

## **Consultations**

RMBC (Environmental Health) - Raise no objections to the proposed development provided that sound insulation is provided in the proposed flats.

RMBC (Transportation Infrastructure Service) – Have no objections to the amended proposal subject to conditions.

RMBC (Drainage Engineer) – Raise no objections in principle to the proposal

## **Appraisal**

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

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

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

The main considerations in the determination of the application are:

- 1) Principle of development
- 2) The character and appearance of the host property and its setting in the streetscene
- 3) Impact on amenity
- 4) Highway issues
- 5) Drainage and flooding issues
- 6) Other matters

### Principle of development

Policy CS12 'Managing Change in Rotherham's Retail and Service Centres', informs that Wickersley is classified as a District Centre, with the on-going strategy being to maintain the range of retail and service provision, and to improve the convenience retail provision.

The site is located within a wider allocation for Wickersley District Centre wherein Policy SP19 'Development within Town, District and Local Centres' states in part that: "*Within Town, District and Local shopping centres but outside of Main Shopping Areas, development proposals for the following uses will be acceptable in principle subject to meeting the requirements of other relevant planning policies:*

- a. A1 shops*
- c. A3 restaurants and cafes*
- j. C3 dwelling houses"*

Therefore the proposed uses are all acceptable in principle on this site.

Furthermore, explanatory note 4.89 states that policy SP19 “recognises the role that housing can play in supporting the vitality and viability of centres by supporting residential proposals within centres. Whilst acknowledging that residential uses within centres may be subject to levels of noise and activity not experienced in traditional housing areas, the Council will seek to ensure the amenity of residents; for example through mitigation measures such as sound proofing. Housing will be limited to above ground floor level within Main Shopping Areas, recognising the importance of these areas as the focus for shopping facilities. This also recognises the need to support mixed use development within centres, with active uses at ground floor level. Therefore housing proposals in Main Shopping Areas will only be supported where the development would not compromise the successful operation of the ground floor premises for commercial uses”.

It is therefore considered that the proposal is acceptable in principle on this site and is in compliance with the relevant Local Plan Policies.

#### The character and appearance of the host property and its setting in the streetscene

Policy CS28 ‘Sustainable Design’ indicates that proposals for development should respect and enhance the distinctive features of Rotherham and design should take all opportunities to improve the character and quality of an area and the way it functions.

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

Policy SP59 ‘Shop Front Design’, states “the Council will seek the highest standards in the control of shop frontage by requiring new or replacement shop fronts to be designed so that:

- a. they respect the character of the whole building and the overall character of the street scene;
- b. they respect the period and style of the building in terms of proportion and quality of materials and relate well to neighbouring properties;
- c. the use of transparent glazing is maximised on all windows and doors, including upper floors where they are in use;
- d. security precautions give protection against burglary and vandalism whilst respecting amenity and public safety;
- e. where shutters are required, their design and location do not obstruct any architectural features on the building or have an adverse environmental impact, and any external shutters are perforated and painted with the shutter box sited behind the fascia;
- f. any canopies should be incorporated within the overall design;
- g. door recesses should be of an appropriate depth taking account of the building’s character and the need to provide adequate access’.

The NPPF at paragraph 124 states: “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Paragraph 130 adds: “Permission should be refused for development of poor design that fails to take the opportunities available for



improving the character and quality of an area and the way it functions, taking into account any local design standards or styles in plans or supplementary planning documents.”

The building is currently predominantly single storey and has a commercial appearance with very few openings, and as a result it is not considered to be a visually attractive building, although it is in a relatively prominent location. The proposed two storey extension is to the rear of the building and is considered to be in keeping with other buildings within the adjacent Tanyard Shopping Parade in terms of scale and massing, and has a similar configuration in terms of retail use at ground floor level with residential above.

The application has been amended to allow for the redesign of the shop frontages to create distinct bays of shop fronts to Fairways which is a significant improvement on the originally submitted design. The amended design also includes for the provision of security shutters, so that these do not have to be added on externally at a later date.

In terms of visual amenity the inclusion of the shop fronts into the building on the front and side elevation will significantly enhance the appearance of the building and the wider streetscene.

The proposed extensions and inclusion of shop fronts are therefore considered to positively contribute to the local character and distinctiveness of an area and accord with the provisions of the relevant Local Plan Policies.

#### Impact on amenity

Paragraph 127(f) of the NPPF states planning decisions should ensure that development creates places with a high standard of amenity for existing and future users.

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.” It further states that: “Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments.”*

Policy SP52 ‘Pollution Control’ states in part 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.”*

It is noted that the proposal is located adjacent to an existing fish and chip restaurant which has air conditioning units, refrigeration equipment and extraction and filtration apparatus on its rear elevation close to the proposed first and second storey element of the proposal which is to include 4 apartments. In this respect the Council’s Environmental Health Section has commented that the flats should include noise insulation to a suitable level to protect the future amenity of any residents. It is noted that this would be required and secured under separate Building Regulation Legislation. Additionally, the amended plans now only show windows on the side elevation close to the equipment, which are non-openable, so it is not considered that any smells from the

filtration/extraction system would have a significant adverse impact on future occupiers' residential amenity.

The occupiers of the adjacent property had objected to the original application as it showed windows and balconies to the apartments at first and second floors, on the boundary looking over their property. The application has been amended, and now whilst there are 3 windows into bedrooms remaining on the side elevation they are obscure glazed and non-openable and are also secondary windows into the rooms. Whilst there are still balconies on the side elevation they only have open views to the rear of the building, as full length opaque privacy screens have been provided along the side elevation to ensure that there is no overlooking.

It is not considered that the amended proposal would have a significant adverse impact on the residential amenity of any existing nearby residents, or any future residents of the proposed apartments. It is therefore considered the development complies with the requirements of the relevant Local Plan Policies.

### Highway 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 applicant has submitted a Transport Statement which concludes that the site is in an accessible location for walking, cycling and for public transport use, and is well located for residents/employees to travel by sustainable modes of transport. It also notes that there are 4 car parking spaces and cycle parking provision for the residents of the apartments, and that servicing of the units will continue in the same way that the unit has always been serviced. The applicant has also submitted a plan, which shows some alterations to the existing highway which have been requested by the Transportation Infrastructure Service to mitigate any impact of the development on nearby streets. These measures include reinstating the kerbline to Bawtry Road; the provision of bollards on Bawtry Road/Fairways frontage to prevent indiscriminate vehicular parking/manoeuvring, and the provision of cycle stands in the vicinity of the entrance to the building to promote sustainable travel.

Taking into consideration the above measures, the Transportation Infrastructure Service do not have any objections to the application in terms of the site's sustainability, or highway safety issues. It is therefore considered that the proposal is acceptable from a transportation aspect and that it complies with the relevant Local Plan policies.

#### Drainage and flooding issues

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."*

The Council's Drainage Engineer has no objections to the proposal in principle however he notes that the adjacent private service road for the Tanyard shopping centre is known to flood frequently. Once the water levels rise sufficiently, water flows down Fairways towards the south east. It is noted that the elevation facing Fairways is currently almost entirely brickwork, but this is to be replaced with new doors and windows, which could potentially lead to water entering the property where it could not do so previously. For this reason the applicant has submitted additional information regarding the finished floor levels of the proposed ground floor units, and the Drainage Engineer has recommended that a condition is attached to ensure that the floor level is no lower than shown in the plan to reduce the risk of surface water flooding.

In this respect, it is considered that the proposal is acceptable and now complies with the relevant Local Plan policies.

### Other matters

It is noted that the occupier of the adjoining property has raised issues regarding the Party Wall Act and a right to a view over the land. These matters are not material planning considerations to be taken into consideration in the determination of this application. Furthermore, it is not considered that the amended proposal would sterilise development of the adjacent site in the future.

A further representation has been received stating that there is no need for additional eateries in Wickersley and that empty units should be occupied first. As noted above the site is allocated for Retail use in the Local Plan and the proposed retail and restaurant use is considered appropriate on this site. The proposal is not just for a shop or restaurant, it is for the comprehensive redevelopment of the site to provide a mixed use development. Further representations state that there is no need for further large franchises on the area. The applicant does not include any details of an end user however this is not a material planning consideration.

### **Conclusion**

Having regard to the above it is concluded that the proposed development represents an acceptable form of development in this locality that will be in keeping with its character and appearance and would not adversely affect the amenity of neighbouring residents or highway users. Accordingly, for the reasons outlined in this report the development would comply with relevant national and local planning policies and is subsequently recommended for approval subject to conditions

### **Conditions**

01

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

Reason

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

02

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

Proposed Plans Drawing No. PL01 Rev G

Elevations Plan Drawing No. PL02 Rev E

Existing Plans Drawing No. PL02 Rev A

Section Plan Drawing No. PL03 Rev A

Reason

To define the permission and for the avoidance of doubt.

03

No above ground development shall take place until details of the materials to be used

in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

04

No above ground development shall take place until details of the proposed alterations in the highway at Fairways and Bawtry Road, indicated on plan reference BWRBWB-GEN-XX-DR-TR-100 S2 revision P2, have been submitted to and approved in writing by the Local Planning Authority. The approved detail shall be implemented before the development is brought into use.

05

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

06

Before the development is brought into use the car parking area shown on the approved plan shall be provided, marked out and thereafter maintained for car parking.

Reason

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

07

A scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged shall be submitted. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

In order to promote sustainable transport choices.

08

The finished ground floor levels must not be lower than those shown in drawing number

PL03 revision A.

Reason

In order to reduce the risk of surface water flooding to the proposed ground floor of the building in accordance with the Local Plan.

09

Before the occupation of Flats 2 and 4 the opaque privacy screens to the balconies on the south western elevation of the building, as shown on the approved plan, shall be provided. The privacy screens shall be permanently retained in that condition thereafter.

Reason

In the interest of amenity and to prevent overlooking.

10

The windows on the south western facing elevation serving the bedrooms in Flats 2 and 4 shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable. The windows shall be permanently retained in that condition thereafter.

Reason

In the interest of amenity and to prevent overlooking.

11

A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the development is brought into use.

Reason

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

12

Detailed plans of the bin and cycle stores to the rear of the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the building is brought into use.

Reason

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

### Informatives

01

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in the Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries take

place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

02

Some of the works will require an Agreement under S278 Highways Act, 1980 and involve the provision of bollards, cycle parking and the reinstatement of part of the kerbline fronting Bawtry Road.

03

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

04

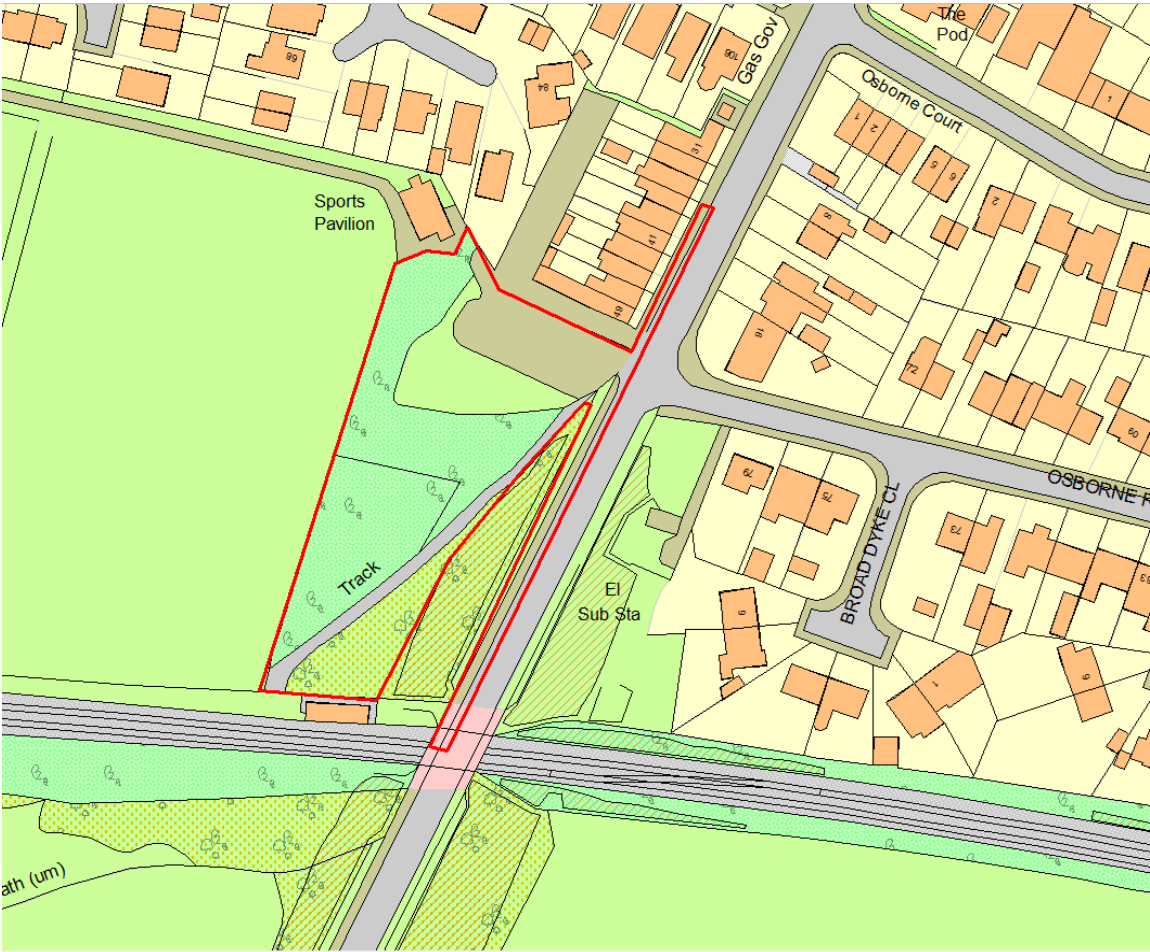
Whilst the property does not lie within the flood plain as shown on the Environment Agency's Indicative Flood Plain Maps it is noted that the site is within an area that has historically flooded in the past. It is important that all proposed extensions must be designed and constructed, to protect and safeguard against all possible risks from flooding. Further guidance on how properties may be protected against possible flooding problems can be found on the Environment Agency's web site. In all events the proposed development must not divert or create or cause additional flood water problems to any adjacent or neighbouring land.

#### POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	<b>RB2018/0589</b>
<b>Proposal and Location</b>	<b>Erection of 6 No. dwellinghouses &amp; 14 No. apartments with associated parking &amp; landscaping on land at Hard Lane, Kiveton Park</b>
<b>Recommendation</b>	<b>Grant Conditionally</b>

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



**Site Description & Location**

The site is located on the southern outskirts of Kiveton Park and is bounded by residential properties to the north that front Hard Lane, the Lincoln - Scunthorpe railway line to the south, Hard Lane itself to the east and open recreational areas to the west (including Kiveton Park Football Club). The site is delineated by palisade fencing to the south and west and steep embankment to the east.

The site is accessed from Hard Lane (B6059) which is elevated approximately 2-5m above much of the site and is screened by vegetation on the banking.

**Background**



RB2010/0783 - Outline application for erection of 14 No. dwellinghouses with details of access - GRANTED CONDITIONALLY

RB2013/1528 - Outline application for erection of 14 No. dwellinghouses with details of access - GRANTED CONDITIONALLY

## CIL

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

## Proposal

The application seeks full planning permission for the erection of 6 No. dwellinghouses & 14 No. apartments with associated parking & landscaping. The north of the site will consist of the 6 No. 3 bedroom semi detached dwellings, built in a modern style, with a large feature window to the front elevation.

To the south of the site adjacent to the railway line will be a four storey block of flats consisting of 14 No. apartments. The apartments consist of 12 two bedroom duplex apartments and 2 three bedroom apartments set over three floors.

Access to site is via hard lane, with accesses retained within the site to the rear of adjacent terrace properties, the sports field and the railway line for Network Rail.

During the course of the application the plans have been amended by altering the arrangement of the houses to improve the streetscene, the future amenity of residents and highway safety. The apartments have also been slightly repositioned to provide an improved parking layout and pedestrian accesses.

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

### Planning Statement

- The site is identified in the Sites and Policies Document within policy SP1 'Sites Allocated for Development' as Housing Site H92 (total area 0.43ha) and it indicates that the total site area has a capacity of approximately 14 dwellings. The application proposals for 20 dwellings which makes efficient use of a vacant previously developed site is broadly in accordance with the allocation for the site.
- The application site is now allocated for housing under Policy SP1 (Site H92) of the Site and Policies Local Plan. In allocating the site the Council confirmed that the site accords with the spatial development strategy in accordance with the Core Strategy Policy CS1 and CS3, which identifies Wales and Kiveton Park as a Principle settlement.
- The proposal would comply with policy SP11 'Development in Residential Areas' which states areas identified for residential shall be primarily retained for residential uses and all residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies. Accordingly, the proposal would be compatible with the land use of the site and adjoining residential uses.

## Design and Access Statement

Offers a range of residential units including 6 No. semi detached houses, 8 No. Duplex apartments and 6 No. single storey apartments.

- Takes advantage of the open views over the adjacent playing pitches
- Uses the Highways Access confirmed at Outline planning stage
- Retains access to Kiveton Park Football Club
- Retains access for Network Rail
- Complies with the necessary design guidance with regard to stand off distances to existing properties.
- Meets Highways design Guidance
- Fits into the wider context.
- Responds sensitively to site topography

## Flood Risk and Drainage Assessment

The site to be developed currently falls wholly within Flood Zone 1 as defined by the EA Flood maps. The flood risk is considered to be acceptable for this type of development.

- The development of the site utilising infiltration techniques is not considered to be feasible. The use of attenuation systems to reduce the run-off from the site to an agricultural discharge rates would be required in the final site designs to ensure there is no increase in flood risk to the downstream catchment.
- The risk of overland flows entering the site is considered to be medium due to the topography of the area around the site and the drainage systems to the previously developed areas to the north and east. The land to the north and east has a limited catchment and this risk could be further reduced by providing an overland flood water route through the site to ensure flood water flows are directed away from the existing and proposed housing.
- The floor levels of the proposed buildings should be a minimum of 300mm above the existing ground level.

## Transport Assessment

- The proposed site, which comprises 6 semi-detached dwellings and 14 apartments, will be accessed from Hard Lane via a 5.5m wide access road running into a shared access road followed by a private road serving the proposed properties. The proposed highway tapers gradually from 5.5m to 4.8m width beyond the bend as the site falls towards the southern boundary. The proposed highway will be offered for adoption under Section 38 of the Highways Act and will be designed and constructed to adoptable standards.
- The access road will feature visible speed calming features such as a ramp transition upon entrance to the development and a tight radius bend within the development. A minimum 15m forward visibility can be achieved around the bend as per South Yorkshire Residential design guide 2011 B.1.3.2. The turning head towards the south of the development will satisfy the requirements of Part B of the Building Regulations and a tracking plan has been provided in the appendix

confirming the proposed turning head is acceptable for refuse turning.

- With regard to car parking provision within the site, Rotherham Councils minimum car parking standards apply for the semi-detached properties i.e. a minimum of 2 No. parking spaces for dwellings with 3 or more bedrooms. There is also 1 No. parking space dedicated to each apartment (14 in total) and an additional 7 No. visitor parking spaces within the site which meets the additional 50% parking provision requirement set by Rotherham Council.

#### Contaminated land report

- There has been colliery workings to the south west of the site and there is a residual risk of ground gas migration to the site. We therefore believe the risk of contamination to the site to be very low.
- We would recommend that a Stage II Ground Investigation is undertaken to determine the underlying strata and foundations for the new development to be specified.
- Due to the proximity of the large area of made ground associated with Kiveton Park Colliery to the south west, there is a risk of ground gas migration adversely affecting the site. We would therefore recommend that window sampling is undertaken on site as part of the investigation works to allow gas monitoring stations to be established. This would also enable further data regarding the underlying strata to be obtained.

#### Noise report

- The dominant noise source affecting the proposed development is traffic on Hard Lane, the railway and the chiller unit attached to the substation Relay Room.
- The noise levels have been assessed using guideline values suggested by the World Health Organisation, BS8233 and BS4142. It should be noted that the internal guideline values are health-based and are therefore relatively inflexible; however adequate noise mitigation is relatively straightforward to engineer.
- The results of the noise survey and assessment indicate that to achieve the guideline value of 50dBLAeq in outdoor living areas, acoustic mitigation will be required for those areas located nearest to, and with a direct line of sight to Hard Road.
- To mitigate noise levels in outdoor living areas, the required noise levels can be achieved by providing 2m high close boarded fencing as shown on drawing number SH10466-010.
- A detailed glazing and ventilation scheme (Appendix B) has been outlined on a plot by plot basis to ensure noise is attenuated to acceptable levels in internal areas. The ultimate glazing and ventilation scheme implemented should, as a minimum, meet the acoustic specification of that outlined in Appendix B to allow for sufficient ventilation and attenuate noise to an acceptable level.
- It is considered that the mitigation measures suggested within this assessment would provide an appropriate level of noise control to support approval of the planning application.

#### Ecology report

- The site is considered to be of low ecological value, with limited opportunities for reptiles and amphibians. The presence of breeding birds is anticipated in supporting habitats, and for this reason, site clearance should be undertaken outside of the bird breeding season (March to August inclusive) unless bird surveys are undertaken by a suitability experienced ecologist, prior to any works commencing. Although the site appears to have been subject to continued colonisation by scrub, no significant changes to the ecologist baseline were noted since the previous survey was undertaken.

### Affordable Housing Viability Report

- The development appraisal establishes that when all costs and CIL contributions and sustainable transport contributions have been considered the developer profit is reduced from a market facing 20% to 10.31% and therefore the development cannot deliver s106 contributions if the scheme is to remain viable and deliverable.

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

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document (adopted on 27/06/18) which replaces the Unitary Development Plan (UDP) that has now been revoked.

The application site was allocated for Urban Greenspace purposes in the UDP. However, the Sites and Policies Document allocates the site for 'Residential' purposes on the Policies Map (H92). For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

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

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

SP1 'Sites Allocated for Development'  
 SP32 'Green Infrastructure and Landscape'.  
 SP33 "Conserving and Enhancing the Natural Environment"  
 SP37 'New and Improvements to Existing Green Space'  
 SP47 "Understanding and Managing Flood Risk and Drainage"  
 SP55 'Design Principles'

### **Other Material Considerations**

South Yorkshire Residential Design Guide (SYRDG).

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

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

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

### **Publicity**

The application has been advertised by way of press and site notices along with individual neighbour notification letters to adjacent properties. 1 letter of objection has been received from a resident on Hard Lane raising the following comments:

- The speed of the traffic from Harthill to Kiveton is excessive – the 30 sign should be at the bottom of the hill, not just before the junctions at the top of the hill. Coming out of those junctions is a nightmare, with the possibility of cars being hit at speed, or pedestrians crossing the road.
- The commercial garage at the top of the road uses the space proposed for the housing development to park their cars for repair, with some being parked on the road. If all those cars had to be parked on the road, this would lead to double parking and houses on the east side of the road having difficulty getting out of their drives. Football traffic over the weekends leads to similar problems.
- Sometimes the M1 is blocked off between Barlborough and Aston either for roadworks, or an accident. The motorway traffic comes along Hard Lane to join the M1 at the next junction. This is particularly hazardous.

The applicant has requested the right to speak at the meeting.

### **Consultations**

RMBC - Transportation and Highways Design: The revised layout has now addressed the previous concerns raised. The sustainability of the site would need to be addressed by a Travel Plan. Subject to this and recommended conditions, no objections to the granting of planning permission are raised in a highways context.

RMBC (Drainage): No objection subject to relevant conditions.

RMBC Environmental Health: There is potential for noise disamenity and land contamination. The access statement recommends that a stage II ground investigation is undertaken including soil sampling. The report also recommends that the mitigations measures in the noise report are implemented to achieve both internal and external noise levels that were specified. The dominant noise sources are vehicle movements on

Hard Lane and trains on the railway line which will impact on future residents if these mitigation measures are not implemented. Therefore no objections subject to relevant conditions.

RMBC - Ecology: No objection subject to bio diversity enhancement measures such as bat and bird boxes.

RMBC - Affordable Housing Manager: Accepts the finding of the viability assessment that the site is not viable for affordable housing.

## **Appraisal**

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

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

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

The main considerations in the determination of this application are:

- Principle of development
- Very special circumstances
- Design, scale and appearance
- Highway issues
- Flood risk and drainage
- Ecology/biodiversity matters
- Impact on existing/proposed residents.
- Planning obligations

### Principle of development:

The site was allocated as Urban Greenspace in the adopted Unitary Development Plan though this Plan has been replaced with the Sites and Policies Document that was adopted on 25 June 2018 and allocates the site for 'Residential' purposes. It forms part of Housing Site H92 and the Sites and Policies Document indicates the total site has a capacity of approximately 14 dwellings.

CS1 'Delivering Rotherham's Spatial Strategy' states that: Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. Kiveton is identified as a Local service centre, which along with other villages and services centres is to provide 382 dwellings as part of the Local Plan.

CS3 'Location of New Development' states that: 'In allocating a site for development the Council will have regard to relevant sustainability criteria, including its (amongst other things): proximity as prospective housing land to services, facilities and employment

opportunities, access to public transport routes and the frequency of services, quality of design and its respect for heritage assets and the open countryside.

SP1 'Sites Allocated for Development' allocates the site as H92 for a total of 14 dwellings.

With the above policy in mind the site has now been allocated residential as part of the new Sites and Policies Document and as such the principle of residential development is acceptable.

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

The site accords with Policy SP64 in terms of being within 800m of a number of local facilities, including a corner shop, café, public house, parkland and sports fields.

#### Design, scale and appearance

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

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

The NPPF at paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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".

In addition, policy CS21 'Landscapes' states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes. Furthermore, policy CS28 'Sustainable Design' indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.

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

The application site forms part of the new proposed allocation H92 in the Local Plan. The proposed 20 residential units exceed the 14 envisaged in the Local Plan and the previously approved plans. The increase in units on site has been primarily achieved through the provision of apartments on part of the site, as opposed to all houses as previously approved. As such the increase in six units would not in itself necessarily render the scheme unacceptable.

Firstly in terms of the 6 houses, these have been amended during the application process and provide an appropriate streetscene, with landscaping and windows overlooking the public highway. The dwellings are a simple modern design which subject to the use of good quality materials will be in keeping with the area and improve the appearance of the overall area. Furthermore the two storey nature of the dwelling reflects others on Hard Lane and the general locality.

Turning to the apartments, these are much more significant in size and at four storeys are substantially larger than nearby properties. The block would also include a variety of roof slopes at different angles which has an unusual appearance more appropriate for a town centre than an edge of settlement location such as this.

It is considered that a 3 storey building would be more appropriate in this location, although the applicant has indicated that the resulting reduction in units would render the scheme unviable. In addition the height of the building will be partly screened by the adjoining embankment, which includes mature landscaping. The building would also provide a good quality of accommodation in the form of duplex apartments, and act as a focal point as you enter Kiveton Park from Harthill along Hard Lane. On this basis it is considered that, whilst there are some concerns as to the height of the building, on balance such a design would not warrant refusal.

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

### Highways issues

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

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



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

The NPPF further notes at paragraph 111 states that: “All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

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. Furthermore the site is considered to be in a sustainable location close to local bus stops and within easy walking distance of a number of amenities and shops.

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

### Flood Risk and Drainage

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

SP47 “Understanding and Managing Flood Risk and Drainage” states 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) in appropriate locations, and the use

of other flood mitigation measures such as raised finished floor levels and compensatory storage; and

c. consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties.”

Paragraph 163 of the NPPF notes that: “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment<sup>50</sup>. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan”.

The proposal involves the re-routing of a major sewer through the site which forms part of the applicant’s justification for the lack of affordable housing provision on site. The Council’s Drainage Section consider that the proposal is acceptable subject to appropriate conditions requiring further details of the final drainage layout.

The site is not within a Flood Zone area.

Having regard to the above and subject to the recommended conditions/informative it is considered that the proposals accord with Policy CS25 ‘Dealing with Flood Risk,’ SP47 ‘Understanding and Managing Flood Risk and Drainage’ and the advice within the NPPF.

#### Ecology/Biodiversity matters

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

SP33 “Conserving and Enhancing the Natural Environment” states that: “Development should conserve and enhance existing and create new features of biodiversity and geodiversity value”.

The NPPF further advises at paragraph 118 that: “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying (amongst others) the following principles:

- opportunities to incorporate biodiversity in and around developments should be encouraged.”

The Council accepts the key findings of the applicant's ecology report and the development of the site will not harm local ecology. The Council's Ecologist however recommends a biodiversity enhancement scheme which will include bat boxes and native landscaping to encourage local wildlife.

With this in mind it is considered that the proposals accord with the relevant biodiversity policies CS20 and SP33 subject to the imposition of a condition requiring the submission of a biodiversity enhancement statement.

#### Impact on existing/proposed residents

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

The NPPF at paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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".

In terms of the amenity of nearby residents, the nearest residential property is No.49 Hard Lane, an end of terrace property, which will retain a vehicular access off the site. The nearest proposed dwelling is set some 19m off the neighbour's garden and as such no unacceptable overlooking of their garden will occur.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 62sqm for two bedroom flats and 77sqm for 3 bed properties. The dwellings proposed all exceed the Council's minimum internal standards and the rear gardens are beyond 60sqm minimum recommend by the Council. As such the scheme will provide a good standard of amenity for future residents.

Furthermore the apartments include balconies and are close to public open space, providing residents with a small area to sit out and recreational areas.

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

#### Affordable Housing Provision

The proposed planning application of a housing development involves the construction of 20 dwelling units. Core Strategy Policy CS7 'Housing Mix and Affordability' states:

"The Council will seek the provision of affordable housing on all housing development .....Where it can be demonstrated that these targets would prevent the delivery of a viable scheme, the precise level of provision will be negotiated, based on a viability assessment."

RMBC's affordable housing policy is 25% of a proposed residential development.

The applicant's development appraisal establishes that when all costs have been considered the developer profit is reduced from a market facing 20% to 10.31% and therefore the development cannot deliver s106 contributions if the scheme is to remain viable and deliverable.

An independent assessment of the viability of the development has been carried out by the District Valuer who has concluded that, from the information supplied, the proposed development cannot support a financial contribution [on-site or off-site] towards the provision of affordable housing in accordance with RMBC's affordable housing policy.

## **Conclusion**

The site was allocated for Urban Greenspace purposes in the adopted UDP though this Plan has been replaced with the Sites and Policies Document that was adopted on 25 June 2018 and allocates the site for 'Residential' purposes. It forms part of Housing Site H92 and is within 800m of a number of local facilities. As such, the proposal is acceptable in principle.

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

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

## **Conditions**

01

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

Reason

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

02

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

(Amended site Plan 0200-010-010 Rev C)

(Amended Apartment Block Elevations 0200-100-002 Rev C)

(Apartment Floor Plans 0200-100-001)

(House Type HT01 0200-300-001 Rev C)

(House Type HT02 0200-300-003 Rev C)

Reason

To define the permission and for the avoidance of doubt.

03

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

colour mortar and window frames. The development shall be carried out in accordance with the approved details.

Reason

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

Highways Conditions

04

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

a/ a permeable surface and associated water retention/collection drainage,

or;

b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained in accordance with the Local Plan and the South Yorkshire Interim Local Guidance for Sustainable Drainage Systems.

05

Before the development is brought into use the car parking area shown on Drg No 0200-010-010 Rev C shall be provided, marked out and thereafter maintained for car parking.

Reason

In the interest of highway safety.

06

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

Reason

In the interest of highway safety.

07

Prior to the development being occupied, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority.

Reason

To promote sustainable travel.

Ecology

08

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

Reason

In the interest of local ecology.

#### Landscaping

09

Landscaping of the site as shown on the approved plan (drawing no.0100-0101 Rev C) shall be carried out during the first available planting season after commencement of the development. 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. Prior to the occupation of the apartments a long term landscape management plan for planting within communal areas shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be maintained for the lifetime of the development in accordance with these details.

Reason

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

#### Drainage

10

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.

#### Land Contamination

11

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### Noise

13

The development shall be constructed in accordance with the details provided within the Wardell Armstrong Noise Assessment Report, dated March 2018, including the acoustic fence details set out of plan No.SH10466-010.

Reason

In the interest of future residential amenity.

### **Informatives:**

01

The application site contains Japanese knotweed. This is a highly invasive plant, the treatment of which must comply with Section 14(2) of the Wildlife and Countryside Act (as amended) 1981 and sections 33 and 34 of the Environmental Protection Act 1990. It is advised that the Council's Neighbourhoods Service (Tel: 01709 823172) or the Environment Agency (Tel: 0113 2440191) is contacted to provide advice on how it should be treated and / or disposed of.

The Code of Practice for the Management, Destruction and Disposal of Japanese Knotweed on development sites can be found on the Environment Agency website:

[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

02

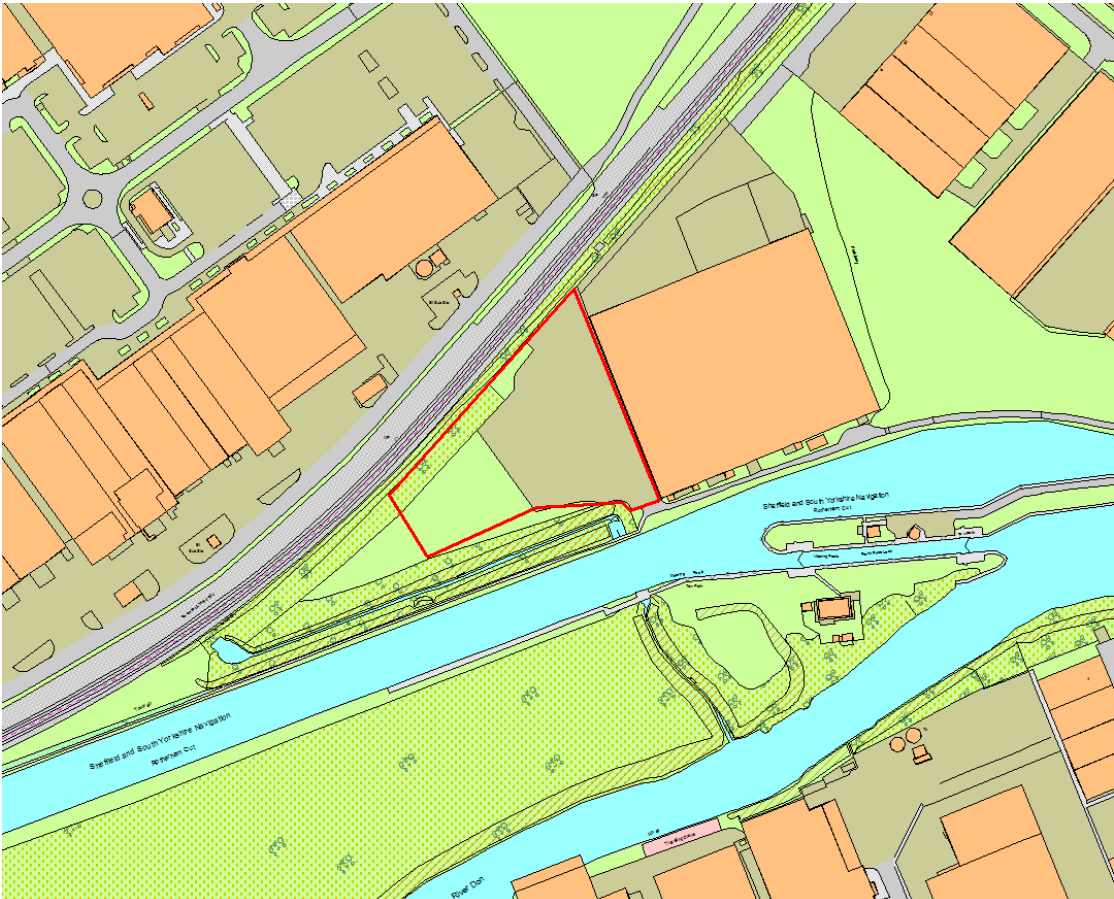
You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in the Magistrates' Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

### POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	<b>RB2018/1344</b>
<b>Proposal and Location</b>	Erection of warehouse/light industrial building with service yard/car park and at Waddington Way, Aldwarke. S65 3SH
<b>Recommendation</b>	Grant subject to conditions

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



**Site Description & Location**

The application site consists of a vacant plot in the north-western area of the existing industrial estate on Waddington Way. The land surrounding the application site comprises of large scale modern industrial warehouse buildings. The River Don/Sheffield and South Yorkshire Navigation Canal lies approximately 200m south of the site and Aldwarke Road approximately 600m to the north-east. The Yorkshire Water waste water treatment facility lies to the east. The main Rotherham railway line lies to the west and separates the site from the eastern section of Retail World in Parkgate. The site is accessed via Waddington Way, a road which serves the surrounding modern industrial development and starts at Aldwarke Lane.

Site 22 has a triangular shape and is approximately 0.8ha in area and is broadly level.

**Background**

The site has the following relevant planning history:



RB2006/2264 - Outline application for warehouse/industrial development for use within use classes B1 (b) research, B1(c ) light industry B2 general industry, B2 general industrial and B8 storage and distribution including details of the access – Granted Conditionally.

The time limit for submitting reserved matters to this outline application has now expired and it is therefore necessary to submit a full detailed application.

This site previously had a detailed planning permission approved for plots 21 and 22 under application RB2017/0609. Plot 21 has subsequently been developed in accordance with the approved plan, though the applicant now proposes a larger building for plot 22. This also involved an increase to the red-edge site area and requires a new full application for consideration.

## **Proposal**

This is a full planning application for the erection of one building for use within classes B1(b) research, B1(c) industrial process, B2 general industrial and B8 storage or distribution. The proposal would have an external cladding material that will be both profiled and plain metal with a coloured outer face in a similar design to the other buildings within the estate. The predominant colours will be grey and green to match existing adjacent buildings. A new sub-station to serve the development is also to be provided.

The differences between the approved and the new proposed building can be summarised as follows:

### Site 22

- Alteration in red-edge site area to the north and west of the site.
- Increase in floor area to a total footprint of 2400 square metres compared to 1900sqm in RB2017/0609.
- The dimensions of the building are 70 metres x 32 compared to previously approved 56 metres x 32 metres. It has the same overall height of approximately 8 metres to eaves, it is steel portal framed with profiled steel cladding in blue/grey to match the existing buildings on the industrial estate.
- A total of 113 car parking spaces compared to 91 on the original.
- A central lorry turning area in a similar position to that previously approved.

## **Development Plan Allocation and Policy**

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted on 25 June 2018.

The site is allocated for Industrial and Business purposes in the Local Plan.

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

CS14 'Accessible Places and Managing Demand for Travel'  
CS25 'Dealing with Flood Risk'  
CS28 'Sustainable Design'  
SP 16 Land Identified for Industrial and Business Uses  
SP 52 Pollution Control  
SP 55 Design Principles

### **Other Material Considerations**

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

National Planning Policy Framework: The revised NPPF came into effect on July 24<sup>th</sup> 2018. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

### **Publicity**

The application has been advertised by way of site notice (12 September 2018), press notice (14 September 2018, Rotherham Advertiser) and letters to neighbouring properties. No representations have been received.

### **Consultations**

Environment Agency – No objections subject to conditions and evidence that the sequential test has been passed.

Yorkshire Water – No objections subject to conditions

Network Rail – no comments received

Canal and River Trust – No objections subject to conditions

RMBC - Streetpride (Transportation and Highways) – no objections subject to conditions

RMBC - Neighbourhoods (Environmental Health) – no objections

RMBC - Neighbourhoods (Pollution Control) – no objections subject to conditions

RMBC - Streetpride (Drainage) – no objections to revised scheme

RMBC - Streetpride (Landscape) – no objections subject to conditions;

## Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle
- Design, Scale and Appearance
- Impact on the surroundings
- Highway Safety
- Flood Risk and pollution control Issues

### Principle

The site is retained for industrial and business uses in the Local Plan and the development of the remainder of the industrial estate has now been, or is in the process of being finalised.

The application site has previously been the subject of an outline planning application for a wider area approved in June 2007 and a further application for two additional buildings was approved in 2017 under application RB2017/0609. The principle of industrial/warehousing development on this site has therefore been established and is acceptable.

### Design, Scale and Appearance

Core Strategy CS28 'Sustainable Design' requires development to make a positive contribution to the environment by achieving an acceptable standard of design. In addition, the NPPF states that: "Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people.

The existing site consists of large scale industrial type buildings located on a new industrial estate within the Aldwarke area. The proposed development will be seen in the context of the other industrial buildings on the estate and they should therefore be consistent with the design and quality of those existing buildings.

The scale and height of the proposed buildings are consistent with those on the adjacent plots and whilst they have the appearance of typical large scale industrial warehouse buildings the use of high quality materials will assist in allowing the buildings to sit in an acceptable manner on this site. It is considered that the proposed development is of an appropriate scale for the site and sufficient space is retained for parking, service yards and landscaping. The proposed materials of profiled steel cladding will provide a modern and contemporary finish and the design and access

statement indicates that the colours and finishing will be consistent with the existing buildings.

There is an area of landscaping proposed around the perimeter of the buildings and also on the front western elevation. This landscaping is consistent with the master plan which was approved at outline stage and with the detailed design of the landscaped areas of the existing, nearby buildings. The landscaping will assist in softening the appearance of the buildings both in terms of views of the development from outside the site but will also create a high quality environment within the development.

The landscaping officer has indicated that there are no objections to the proposals as it stands and that the application can be supported in its current form, subject to a condition.

Overall it is considered that the proposed development is of a high quality and is of an appropriate scale and design which will comply with the general advice within the NPPF and Core Strategy CS28 'Sustainable Design.'

#### Impact on the surroundings

The site lies within an industrial setting with the majority of the newly constructed surrounding uses falling within the B1, B2 and B8 use classes and the area has become a newly established industrial estate. It is not considered that there are any sensitive uses within the vicinity of the site.

The new proposed substation and rear yard area is considered to be of an appropriate scale relative to the size of the building. These elements are considered to be of an acceptable visual design and are not considered to have any detrimental impact on the functioning of the adjacent units or on the connectivity of the internal path networks within the estate.

The application proposal is considered to be in keeping with the surroundings and in conformity with Local Plan Policies SP 16 Land Identified for Industrial and Business Uses and SP 52 Pollution Control.

#### Highway Safety

The access and parking layout are of an acceptable standard of design in terms of vehicular movements and highway safety. In terms of parking, the proposed layout indicates that 113 car parking spaces will be provided. This is in accordance with the Council's maximum standards and is therefore considered to be appropriate.

A travel plan condition was imposed for previous units in this area and it is recommended that the same should apply here. There are no objections to the granting of planning permission in a highway context.

#### Drainage and Flood Risk Issues

A Flood Risk Assessment has been submitted in support of the planning application which identifies that the majority of the application site lies within Flood Zone 2 (Moderate Risk).

The applicant has submitted Sequential Test evidence with this application. The site lies within Flood Zones 2 and 3, which have a medium and high flood risk. Paragraph 158 of the National Planning Policy Framework (NPPF) (2018) requires decision-

makers to steer new development to areas at the lowest risk of flooding by applying a Sequential Test.

Avoidance is the most effective flood risk management measure. Even when development can be made 'safe' in flood risk areas, there are always residual risks. In accordance with paragraph 163 of the NPPF (2018), consideration should only be given to development in flood risk areas following the Sequential Test.

Overall the Environment Agency have raised no objections to the application.

Yorkshire Water have also confirmed that the FRA is acceptable. In summary, it states that foul water will discharge to public combined water sewer along the north-west boundary of the site and surface water to discharge to the River Don

The Drainage Officer has indicated that the revised drainage strategy is acceptable subject to conditions.

#### Pollution Control issues

Historically the surrounding area has also been subject to opencast coal mining with associated railway sidings to link the workings and nearby colliery to the mainline. The Council's Pollution Control Officer has indicated that given the historical use of the site there is potential for contamination of soils and ground water to exist from activities undertaken on site. There is also potential for migration of contaminants from off-site sources including mining, spoil heaps, landfills and other industrial trades.

However, this revised proposal for building 22 does not raise any new pollution issues. The previous site investigation works commenced on the 15<sup>th</sup> March 2017 comprised the excavation of 9 trial pits remain valid.

Overall the Pollution Control Officer has indicated that there are no objections to the application, subject to conditions.

#### **Conclusion**

The site is allocated for industrial and business uses in the Local Plan and the remainder of the industrial estate is in the process of being finalised. The principle of development has previously been established and this revised proposal is not considered to have any higher level of future flood risk than the surroundings. The proposed design is considered to be of an appropriate scale and visual appearance with the scale and height of the proposed buildings consistent with those on adjacent plots. The proposal is considered to have an appropriate level of parking and the application is recommended for approval, subject to conditions.

#### **Conditions**

01

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

Reason

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

02

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

Location plan building 22 41040/051 Rev A

Site layout building 22 41040/052 Rev A

Floor plan and elevations building 22 41040/053 Rev A  
(received 24 August 2018)

Reason

To define the permission and for the avoidance of doubt.

03

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

a/ a permeable surface and associated water retention/collection drainage, or;

b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

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

04

Before the development is brought into use the car parking area shown on the submitted plan shall be provided, marked out and thereafter maintained for car parking.

Reason

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

05

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 programme of implementation, monitoring, validation 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 monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

06

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing floor plan and elevations Floor plan and elevations

building 22 41040/053 Rev A. The development shall thereafter be carried out in accordance with these details.

Reason

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

07

The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated April 2017, reference AP/MW/40479 & 41040 completed by Eastwood & Partners Consulting Engineers, with the additional information contained within Flood Risk Statement AP/MW/41040 dated August 2018, and the following mitigation measure detailed within:

- Finished floor levels are set no lower than 24.3m above Ordnance Datum (AOD) as detailed in the FRA.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

08

Landscaping of the site as shown on the approved plan (Building 22 Planting Plan, drawing no. ALD23 Rev A) shall be carried out during the first available planting season after commencement of the development. 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.

09

All subsoils / topsoils imported to site for soil capping works shall be tested in accordance with the previously agreed details discharged under RB2018/0018.

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.

10

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

approved in writing by the Local Planning Authority. Works thereafter shall be carried out in accordance with an approved Method Statement.

Reason

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

11

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

Reason

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

12

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason

In the interest of satisfactory and sustainable drainage

13

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

14

Surface water draining from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse. No surface water shall be discharged from the hardstanding areas of the site unless full details have been submitted to and approved by the Local Authority detailing the type and location of interceptors and their capacity. Thereafter, any discharge will be in accordance with the approved details. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained,



shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development.

Reason

In order to prevent the pollution of the water environment in accordance with the aims of the National Planning Policy Framework.

15

The development shall be constructed in accordance with the previously approved surface water drainage scheme under RB2018/0018.

Reason

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

16

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

Reason

To prevent pollution of any watercourse in accordance with Local Plan policy SP52 Pollution Control.

**Informatives**

Environment Agency

We support the suggestion in the FRA that future occupants sign up to Floodline Warnings Direct to receive advance warning of flooding.

Canal and River Trust

The applicant/developer is advised that the proposed connection to the towpath would need prior agreement from the Trust's Estates Team. The applicant/developer is therefore advised to contact the Trust's Estates team on 0303 0404040 in order to ensure that any necessary consents are obtained prior to the installation of this access.

The applicant is advised that the proposed works may need to comply with the Trust's "Code of Practice for Works affecting the Canal & River Trust". The applicant/developer is therefore advised to contact the Trust's Works Engineering Team on 0303 0404040 in order to ensure that any necessary consents are obtained prior to the commencement of the proposed works.

RMBC Environmental Health

1. Gas protection measures will be required for each new build and will comprise the following:
  - a) Reinforced concrete cast insitu floor slab (suspended, non-suspended or raft) with at least a lapped and taped minimum 1200g membrane; and or
  - b) a beam and block or pre cast floor slab with a lapped and taped minimum 2000g membrane; and

- c) under floor venting or pressurisation in combination with either of (a) or (b) above depending on use
- d) All joints and penetrations should be sealed

#### POSITIVE AND PROACTIVE STATEMENT

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