

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE  
15<sup>TH</sup> NOVEMBER, 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.

**INDEX PAGE**

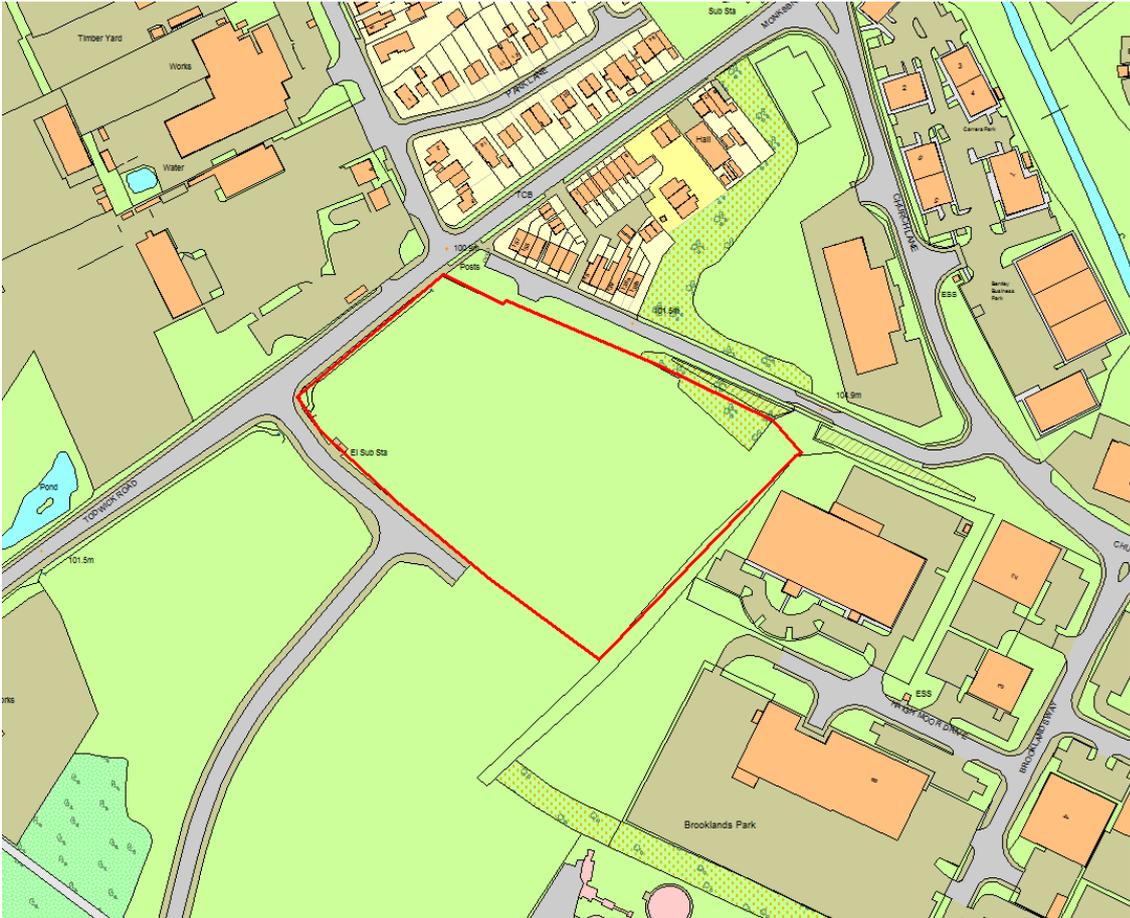
<b>RB2018/1202</b> <b>Erection of B2/B8 warehouse with ancillary office space at first floor and associated yard, parking, roadways, landscape, 2.4m fencing and amenities at land at Todwick Road Dinnington for Trebor Developments LLP</b>	<b>Page 7</b>
<b>RB2018/1231</b> <b>Erection of 15 No. dwellinghouses, formation of access road, car parking spaces and boundary treatment at former Lordens Hotel site Doe Quarry Lane Dinnington for Arches Housing Association Ltd</b>	<b>Page 36</b>

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE 15<sup>TH</sup> NOVEMBER, 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>RB2018/1202</b>
<b>Proposal and Location</b>	<b>Erection of B2/B8 warehouse with ancillary office space at first floor and associated yard, parking, roadways, landscape, 2.4m fencing and amenities at land off Todwick Road Dinnington</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 operations.



**Site Description & Location**

The site is undeveloped and is located to the northern corner of the wider commercial site known as East 31, and is reclaimed from the former Dinnington Colliery site.

The site is bound by Todwick Road to the west, Church Lane to the north, buildings on Brooklands Park Industrial Estate to the east and an open area to the south.

There are houses to the north on Church Lane, with other surrounding uses being commercial in nature.

The site is relatively level, although it raises slightly to the north east. There is some mature growth to the north east corner of the site and some ponding also occurs.

## **Background**

### Relevant Planning History

RB2008/1562 – Formation of new access road – granted conditionally 20/11/08

RB2004/1346 -Outline planning permission for mixed use development of the former colliery site including the following use classes: B1 Use (excluding offices) B2 General Industry and B8 Storage and Distribution - granted conditionally 01/04/05

RB2002/1696 - Layout of roads and sewers to facilitate development of land for Class A2 (Financial and Professional Services), B1 (Business), B2 (General Industrial), B8 (Storage and Distribution), C1 (Hotels), D1 (Non-residential Institutions) & D2 (Assembly and Leisure) purposes, and use of land for amenity open space and willow coppicing – granted conditionally 02/07/04

RB2002/1516 - Reclamation and restoration of former colliery site to a form suitable for future employment, amenity and recreation uses – granted conditionally 31/03/03

RB1999/1584 - Relocation of 300,000 cubic metres of colliery spoil to infill the rail cutting and place on main tip – granted conditionally 07/06/00

RB1996/0587 - Infilling of former colliery railway cutting with imported inert waste – granted conditionally 27/06/96

### Environmental Impact Assessment

A screening opinion has been carried out as the site area exceeds the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This concludes that the proposal is not EIA development.

## **Proposal**

The applicant seeks full planning permission for the erection of a large commercial unit to be used for B2 general industrial and B8 warehouse use with ancillary office space at first floor and associated yard, parking, roadways, and landscaping. The unit is proposed to be 7,533sqm in size. Access is to be gained via the existing estate road off Todwick Road and 146 car parking spaces are proposed. There is no end user identified as the proposal is speculative.

The building is proposed to be 118.2m long x 60.86m wide, 13m high to the eaves and 17m to the ridge of the roof, and is offset from the northern boundary by a minimum of 5m. The service yard is located to the south of the building, which is 45m deep and includes the car parking area. A 2.4m high security fence would be erected around the service yard.

There is a significant landscape buffer proposed between the building and the main road, with a narrower planting strip to the north between the building and Church Lane.

Materials are to be white profiled aluminium composite cladding.

The application is supported by the following documents:

#### Design and Access Statement

This sets out the design principles of the proposal and details access arrangements. It concludes that the proposal accords with local planning policy and the intended use of the site.

#### Ecological Statement

The purpose of this report is to identify and describe all potentially significant ecological effects associated with the proposed development in order to assess the impacts of the development; set out the mitigation, compensation and enhancement measures required to ensure compliance with nature conservation legislation; and address any potentially significant ecological effects.

It states that -

- No designated sites will be directly affected by the development
- The habitats within the development area include rough grassland and tall herb vegetation, dense and scattered scrub, and small trees.
- There are no features suitable for bats to roost on site.
- There is no evidence of badgers or their setts within or adjacent to the site boundary.
- No evidence of nesting birds was observed during the surveys
- The data search confirmed that great crested newts have been recorded within a 1 km radius of the site, although the exact locations of breeding ponds are unknown. No evidence of great crested newts was found and this species can be assumed to be absent from the three ponds within 250 m of the site.
- The mosaic of habitats on site offers a range of opportunities for reptiles to hunt/forage, shelter and bask; however, no reptiles were found on site during the detailed surveys.
- Otter and water vole are unlikely to be present on or adjacent to the site as there is no suitable habitat for these species.
- Small areas of habitat for terrestrial invertebrates and small mammals including hedgehog will be lost, although the impacts on these species are not likely to be a significant ecological effect due to the small size of the site
- The site is considered unlikely to support notable plant or fungi species.

It recommends mitigation measures, to include retention of existing trees and shrubs and the use of new native planting; sensitive lighting; and precautionary measures during site clearance to take account of amphibians and reptiles, birds, badgers and hedgehogs.

#### Flood Risk Assessment

This confirms that the site is in Flood Zone 1 as shown on the Environment Agency Flood Zone Maps, and concludes that the risk to the development from flooding is low.

#### Landscape Design Statement

This states that emphasis throughout the design development has been to prepare a scheme that respects the character of the adjoining local landscape, enhances the

ecology of the site and provides a stimulating, coherent and well-structured landscape and therefore a positive setting.

It concludes that the external environment has been designed to provide a pleasant setting for people to work and visit whilst accommodating the functional requirements of the development. It is envisaged that the shrub and tree planting proposed for the development will mature to provide an attractive landscape setting, which assimilates the new development into the immediate surroundings. The landscape created will be managed in accordance with sound ecological principles to improve the overall biodiversity of the site.

#### Noise Impact Assessment

The assessment details noise levels on site and assesses the potential impacts of operational noise from the proposed industrial building. The measured noise levels have been used to set plant noise limits relative to the typical background noise levels at the nearest noise sensitive receptors to the site, in accordance with the typical planning requirements.

This concludes that the building façade and roof construction will be designed to limit noise breakout to the nearest sensitive properties.

#### Night Time Noise Assessment

This concludes that with the assumed site activities, noise is not expected to cause an adverse impact on the closest noise sensitive receptors, and barriers will not be necessary.

#### Tree Survey

This provides an assessment of the existing trees on the site.

#### Land Contamination Survey

It is concluded that the site does not contain any significant and/or widespread contamination sources. The risk to human health is therefore considered low with no specific environmental remediation required.

#### Travel Plan

This provides a range of measures that would be developed over time and tailored to the needs and emerging travel patterns of employees. It aims to achieve a reduction in car journeys to and from the site through the promotion of alternative modes of transports and implementation of measures to make these attractive to new employees.

#### Transport Statement

This concludes that the impact of the associated development traffic on the operation and safety of the local highway network, is not considered to be 'severe'. Therefore, no off-site improvement schemes are considered necessary.

#### Air Quality Assessment

This notes that the construction of the development would have the potential to generate fugitive dust from construction activities and changes in air quality because of exhaust emissions from plant and construction vehicles. It concludes that following completion of the development (which considers no future reductions in NO<sub>x</sub> and NO<sub>2</sub>), the overall effect of the development is not significant

## **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<sup>th</sup> June 2018) which replaces the Unitary Development Plan (UDP) that has now been superseded.

The application site is allocated for Industrial and Business Use within the Local Plan (Site Allocation E14). 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
- CS9 Transforming Rotherham's Economy
- CS14 Accessible Places and Managing Demand for Travel
- CS19 Green Infrastructure
- CS20 Biodiversity and Geodiversity
- CS21 Landscape
- CS23 Valuing the Historic Environment
- CS24 Conserving and Enhancing the Water Environment
- CS25 Dealing with Flood Risk
- CS26 Minerals
- CS27 Community Health and Safety
- CS28 Sustainable Design
- CS30 Low Carbon & Renewable Energy Generation
- CS33 Presumption in Favour of Sustainable Development

The Sites and Policies Document – June 2018:

- SP1 Sites Allocated for Development
- SP16 Land Identified for Industrial and Business Uses
- SP26 Sustainable Transport for Development
- SP32 Green Infrastructure and Landscape
- SP33 Conserving and Enhancing the Natural Environment
- SP35 Protected and Priority Species
- SP36 Soil Resources
- SP42 Archaeology and Scheduled Ancient Monuments
- SP43 Conserving and Recording the Historic Environment
- SP47 Understanding and Managing Flood Risk and Drainage
- SP52 Pollution Control
- SP54 Contaminated and Unstable Land
- SP55 Design Principles
- SP56 Car Parking Layout
- SP57 Sustainable Construction

Joint Waste Core Strategy

WC27 Managing Waste in all Development

## **Other Material Considerations**

Council's Car Parking Standards

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched. It was last updated on 17<sup>th</sup> September 2018.

National Planning Policy Framework: The NPPF came into effect on July 24<sup>th</sup> 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 was advertised in the press as a major development, on site by 3 site notices, and by individual neighbour letters to 20 properties. No representations have been received.

### **Consultations**

RMBC – Transportation Infrastructure Service - No objections subject to relevant conditions

RMBC - Tree Service Manager: No objections

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

RMBC – Drainage: No objections subject to conditions.

RMBC – Ecologist: No objections subject to relevant conditions

RMBC - Environmental Health: No objections subject to recommended conditions

RMBC - Environmental Health (Air Quality): No objections.

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

South Yorkshire Archaeological Service: No objections

Highways England: No objections

Severn Trent Water: No objections subject to suggested conditions.

Environment Agency: No objections subject to an informative.

## Appraisal

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

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

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

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

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".(footnotes omitted)*

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

- The principle of the development
- Design, layout and scale
- Transportation issues
- Drainage and flood risk issues
- Ecology and biodiversity
- Landscape and tree matters
- General amenity issues – contaminated land, noise and air quality
- Impact on existing residents.
- Heritage issues

### The principle of the development

Policy SP1 'Sites Allocated for Development' sets out sites that are allocated for development and contribute to meeting requirements, and provides 'Site development guidelines' which identify specific principles for these sites, which should be taken into consideration in any proposed development. The proposed site is identified as E14 and the relevant site development guidelines for this site will be discussed in more detail below.

Policy CS1 'Delivering Rotherham's Spatial Strategy' state, in part, that "Most new development will take place within Rotherham's urban area and at Principal Settlements

for Growth. The Core Strategy identifies Dinnington as a principal settlement for growth". Dinnington is a Principal settlement for growth which, along with Anston and Laughton Common, is to provide 38 hectares of employment land.

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

- a. status as previously-developed (brownfield) land;
- c. access to public transport routes and the frequency of services;
- d. potential to relieve deprivation;
- f. effect on other environmental matters;
- g. potential to maintain and create links to green infrastructure."

Policy SP16 'Land Identified for Industrial and Business Use' states: "Within areas allocated for industrial and business use on the Policies Map, development proposals falling within Use Classes B1b and B1c, B2 and B8 will be permitted. Offices falling within Use Class B1a will only be acceptable where they are ancillary to the main proposed use or the proposals satisfy the requirements of Core Strategy Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' and other relevant planning policy. Other uses will be considered on their merits in line with Policy SP17 'Other Uses within Business, and Industrial and Business Areas.'"

The application proposal is for B2 (industrial) or B8 (storage and distribution) on this site which is allocated for Industrial and Business use within the Local Plan. In accordance with policy SP16, B2 and B8 uses are permitted. Whilst the proposal is speculative in nature it is considered that the proposal is acceptable in principle and will contribute towards employment growth targets in the locality. In this respect the proposal is considered to comply with the above relevant Local Plan policies.

#### Design, layout and scale

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

Development should protect or contribute to securing a healthy and safe environment, including minimising opportunities for crime, the risk of terrorism and addressing any specific risks to health or safety from the local environment. Encouragement will be given to incorporation of Secured by Design principles in new development and in the design of public spaces.

Development proposals will be expected to secure sustainable design and construction, ensuring the flexibility and adaptability of new development and increasing the energy and water efficiency of buildings.

In preparing development proposals for new build, refurbishment and extensions to existing buildings, consideration should be given to the inclusion of sustainable drainage schemes, grey water recycling, green and brown roofing and walls, landscaping and connectivity to ecosystems. Provision should be made for sustainable waste management.

Design should take all opportunities to improve the character and quality of an area and the way it functions.

The design process shall take into account:

a. the topography, landforms, Green Infrastructure assets, river and canal corridors, important habitats, waterways, woodlands, other natural features and open spaces that provide opportunities for an accessible choice of shade and shelter, recognise opportunities for flood storage, wildlife and people provided by multi-functional greenspaces.”

SP55 ‘Design Principles’ states that: “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. Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:

- a. the setting of the site, including the size, scale, mass, volume, height, orientation, form, and grain of surrounding development;
- b. that an assessment of local building materials, their colour and architectural detailing has been undertaken and submitted with the application;
- c. the use of appropriate materials and landscaping and utilisation of natural features, such as topography, watercourses, trees, boundary treatments, planting and biodiversity to create visually attractive high quality development;
- d. proposals reinforce and complement local distinctiveness and create a positive sense of place; public art should be incorporated into proposals where appropriate;
- e. the legibility and permeability of development to promote ease of movement, the creation of safe, secure and accessible environments and provide clear distinction between public and private spaces - lighting of the public realm and the built development will be particularly important;
- f. the provision of satisfactory arrangements for the storage and collection of refuse, recyclable materials and garden waste to enable easy and convenient recycling and composting;
- g. 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;
- h. the need to optimise the potential of sites to accommodate development which could, in appropriate instances, involve maximising densities;
- i. new public and commercial developments are encouraged to include baby changing facilities, breast feeding facilities and accessible ‘Changing Places’ toilet facilities in addition to standard accessible toilets.

All development proposals must have regard to the presence of sensitive land uses and be designed in such a way that the amenity of any land use and the specific characteristics of the sensitive area are not adversely affected.

Design and Access Statements, and where appropriate detailed masterplanning, will be expected to encompass these broad aims and principles and have regard to the Building for Life toolkit, or the most up to date guidance. Applicants are strongly encouraged to demonstrate an appropriate level of community engagement in their preparation; to comprehensively consider health and equalities impacts and safety and security issues and, clearly demonstrate through their submission, how these issues and any impacts arising, have influenced the final design solution.”

CS30 ‘Low Carbon & Renewable Energy Generation’ states that:

“1 Energy

Developments should seek to reduce carbon dioxide emissions through the inclusion of mitigation measures in accordance with the following energy hierarchy:

- a. Minimising energy requirements through sustainable design and construction;
- b. Maximising Energy Efficiency;
- c. Incorporating low carbon and renewable energy sources.

Developments will be supported which encourage the use of renewable, low carbon and decentralised energy. All development should achieve, as a minimum, the appropriate carbon compliance targets as defined in the Building Regulations.”

SP 57 ‘Sustainable Construction’ states that: “To enable high quality, functional and sustainable design to be clearly embedded in future development, proposals will need to be designed to withstand and adapt to the predicted impacts of climate change. The evidence supporting the planning application should be proportionate to the scale of the development and:

- a. identify how recycled materials will be used during construction unless it can be demonstrated that it would not be technically feasible or financially viable or the nature of the development requires appropriate use of local materials;
- b. meet the relevant BREEAM ‘very good’ standards or better for non-residential buildings over 1,000 square metres unless it can be demonstrated that it would not be technically feasible or financially viable;
- c. demonstrate how the installation of integrated renewable and low carbon energy technologies in new and existing non-residential developments, in order to off-set CO<sub>2</sub> emissions and mitigate the impacts of climate change, has been assessed and included within the development unless it can be demonstrated that it would not be technically feasible or financially viable. These could include (but are not limited to):
  - i. solar thermal
  - ii. solar photovoltaic
  - iii. biomass boilers
  - iv. ground source heat pump
  - v. wind turbines
  - vi. combined heat and power schemes & associated infrastructure

This policy should be read in conjunction with Policy WCS 7 ‘Managing waste in all developments’ of the Barnsley, Doncaster and Rotherham Joint Waste Plan (March 2012) regarding the management of waste products arising from the development and future occupation and Policy SP 36 ‘Soil Resources’.”

The application proposes one large commercial building situated centrally in the plot approximately 5m from the rear boundary of the site. There is a car parking area to the east with an area of landscaping proposed to the west.

Whilst the building is relatively large, its design is considered to be appropriate on this site, and the proposed landscaping scheme provides some screening and softens its appearance. The use of high quality materials will also assist in providing an appropriate development on this site with the proposed materials of profiled steel cladding providing a modern and contemporary finish.

The agent has submitted an Energy Strategy Report in relation to the proposed development. This outlines carbon reduction beyond minimum Building Regulations. It details how insulation levels would result in heat loss being reduced; it shows how lighting, heating, and ventilation will be used efficiently, as well as sustainable building measures to be used in the construction of the building. The agent has confirmed that the developer does not wish to undertake a full BREEAM assessment, however no information has been submitted to show that this is not technically feasible or financially viable. For this reason a condition is to be attached requiring the building to achieve BREEAM Very Good, or to submit technical/financial viability information to demonstrate why it cannot.

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 relevant Local Plan policies above.

#### Transport issues

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

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.
- g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed."

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

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

Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access.”

SP 56 ‘Car Parking Layout’ states that: “In terms of car parking, layouts must be designed to:

- a. reduce the visual impacts of parking on the street-scene and provide defined visitor parking on-street;
- b. discourage the obstruction of footways by kerb parking, and parking that compromises the operation of the highway; and
- c. ensure in-curtilage / on plot parking does not result in streets dominated by parking platforms to the front of the property or large expanses of garage doors fronting the street.”

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

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

Paragraph 109 states: “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

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

The application was originally submitted with a Transport Statement and the applicant was asked to carry out further modelling in relation to the A57/Todwick Road roundabout by the Council’s Highway Officer. The applicant has submitted further information to reaffirm their position regarding the impact additional vehicular trips will have on the operation of the roundabout which they consider to be minimal. After receiving the information the Council’s Transportation Unit accepts the applicant’s conclusion that the vehicular trips associated with the proposed development would likely have a minimal impact upon the operation of the roundabout.

Additionally Highways England has assessed the proposal and raises no objection in terms of highway safety.

The application proposes 146 car parking spaces which are considered to be acceptable for the development proposed in this location. There is a pedestrian access from the estate road to the office element of the building to allow for safe pedestrian access. The proposal also includes cycle storage adjacent to the building which is to be overlooked by the office element of the scheme.

The proposal includes the submission of a travel plan to encourage sustainable modes of transport. There are bus stops on Todwick Road within walking distance which makes the site accessible.

It is therefore considered that the proposal is acceptable from a highway safety aspect and is in accordance with the above relevant Local Plan policies.

#### Drainage and flood risk issues

Policy CS24' Conserving and Enhancing the Water Environment' states: "Proposals will be supported which:

- a. do not result in the deterioration of water courses and which conserve and enhance:
  - i. the natural geomorphology of watercourses,
  - ii. water quality; and
  - iii. the ecological value of the water environment, including watercourse corridors;
- b. contribute towards achieving 'good status' under the Water Framework Directive in the borough's surface and groundwater bodies
- c. manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;
- d. improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,
- e. dispose of surface water appropriately according to the following networks in order of preference:
  - i. to an infiltration based system wherever possible (such as soakaways)
  - ii. discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)
  - iii. discharge to a public sewer."

Policy CS25 "Dealing with Flood Risk" states, in part, that: "Proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall."

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

"The Council will expect proposals to:

- a. demonstrate an understanding of the flood route of surface water flows through the proposed development in an extreme event where the design flows for the drainage systems may be exceeded, and incorporate appropriate mitigation measures;
- b. control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The Council will expect applicants to consider the use of natural flood storage / prevention solutions (such as tree planting) inappropriate locations, and the use of other flood mitigation measures such as raised finished floor levels and compensatory storage; and
- c. consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties."

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

The application was supported by a Flood Risk Assessment and drainage details, as well as additional information submitted at the request of the Drainage Engineer. These details were considered to be acceptable, and to be in compliance with the above relevant policies.

#### Ecology/Biodiversity matters

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

Policy SP33 ‘Conserving and Enhancing the Natural Environment’ states, in part, that: “Development should conserve and enhance existing and create new features of biodiversity and geodiversity value,” and adds that: “Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery including, where appropriate, direct contribution to Ecological Networks, the Green Infrastructure network, Biodiversity Opportunity Areas, Nature Improvement Areas and Living Landscapes.”

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

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

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

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

The application was supported by an extensive Ecological Survey, which has been assessed by the Council’s Ecologist who is happy that the assessment was undertaken at the correct time of year, and that relevant species have been identified within the

report. Particular attention was given to the reptile and amphibian surveys which are considered to have been undertaken in a thorough manner.

The Survey includes recommendations for mitigation measures and biodiversity enhancement measures, such as the retention of hedges and shrubs; retention of vegetation for bats; sensitive lighting; and precautionary measures during construction and implementation in relation to amphibians, reptiles, nesting birds, badgers and hedgehogs.

In relation to biodiversity enhancement the proposal includes provision for roosting bats and nesting birds in boxes within the development, either in the building or in trees.

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

Sustainable drainage methods are proposed to be used in the development, and it is considered appropriate to attach a condition that requires the submission of details of the quality of soils on site and their movement and temporary storage during construction to ensure that the character of the soil is conserved.

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

#### Landscape and trees matters

CS19 'Green Infrastructure' states that "Rotherham's network of Green Infrastructure assets, including the Strategic Green Infrastructure Corridors will be conserved, extended, enhanced, managed and maintained throughout the borough. Green Infrastructure will permeate from the core of the built environment out into the rural areas.

A net gain in Green Infrastructure will be realised through the protection and enhancement of existing assets and the creation of new multifunctional areas, assets and linkages to include promoting: recreation and tourism, public access (including walking and cycling), green education, biodiversity (incorporating the promotion of ecological networks and habitat connectivity), public health and wellbeing, water management, the protection and enhancement of the local and national landscape character area and historic assets, the mitigation of climate change, green economic uses and sustainable land management.

Action will be targeted to the safeguarding and enhancement of functions and assets of the Strategic Green Infrastructure Corridors and any future refinement work and the delivery of objectives and actions identified in local and sub-regional Green

Infrastructure Strategies. This will include long term management and maintenance of these assets.

Developer contributions will be used to facilitate improvements through quality, robustness, establishment, enhancement, and the ongoing management of Rotherham's Green Infrastructure, investing in enhancement and restoration where opportunities exist and the creation of new resources where necessary.

Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below:

- a. Securing provision, either on or off site, of an appropriate size, shape, scale and type and having regard to the nature of the development, its impact on the wider network and contribution to the overall quality of the area.
- b. Avoiding damage to or loss of Green Infrastructure assets. Where loss is unavoidable and the benefits of the development outweigh the loss, appropriate mitigation and compensation measures, should be included as part of development proposals.
- c. Investment in Green infrastructure will be prioritised to increase functionality of individual assets and safeguard existing functions, such as habitats for wildlife.
- d. Improving connectivity between new developments and the Strategic Green Infrastructure network and providing buffering to protect sensitive sites.
- e. Supporting ecosystem services, including the use and management of Green Infrastructure areas to reduce the impacts of climate change, using vegetation to cool the environment, provision of new open space to remedy the need for natural and semi natural flood storage and managing surface water to ensure landscape change impacted by climate change has long term benefits.
- f. Promoting design which replicates or incorporates natural processes for river morphology and water storage along the regionally important rivers Don, Rother and Dearne.
- g. Promoting innovative development which manages quantifiable risks such as flooding.
- h. Assisting with the integration of new development into the natural and historic environment."

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

Policy SP32 'Green Infrastructure and Landscape' goes onto state in part that: "The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape, proportionate to the scale and impact of the development and to meeting needs of future occupants and users."

The application site is located within the Anston Brook / Sandbeck Green Infrastructure Corridor and the application has been supported by landscape details. It is considered that the existing planting and proposed mounded landscaping will create an attractive roadside frontage along Todwick Road, and a planting buffer is proposed to the rear of the building fronting onto Church Lane. The overall planting scheme is considered to be appropriate and will contribute positively to the development and the surrounding area.

A Tree Survey was submitted in support of the application which has been assessed by the Council's Tree Consultant. He has concluded that the application requires the removal of a small number of low value trees, that some slightly higher value trees to the east of the site will be largely unaffected by this development proposal, and that there is no arboricultural reason to object to this application.

It is therefore considered that the proposed landscape and tree details are acceptable, and are in compliance with the above relevant Local Plan policies.

#### General amenity issues – contaminated land, noise and air quality

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

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

Policy SP52 'Pollution Control' states that: "Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity. When determining planning applications, particular consideration will be given to:

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.
- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.
- c. the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality Management Areas and meeting the aims and objectives of the Air Quality Action Plan.
- d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.
- e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals."

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

- a. demonstrate there is no significant harm, or risk of significant harm, to human health or the environment or of pollution of any watercourse or ground water;

- b. ensure necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;
- c. demonstrate that adverse ground conditions have been properly identified and safely treated;
- d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use.”

In relation to noise impacts, the application was supported by a noise assessment, and further information in the form of a night time noise assessment was requested. The proposal is for a speculative development for uses within Uses Classes B2 or B8, and for this reason the development has been assessed taking into account the worst case scenario. It is noted that there are residential properties located close to the site on Church Lane and as such there is potential for noise dis-amenity from associated activities during night time periods.

In this regard the Environmental Health Officers have recommended specific conditions to be attached to control any noise created at the site during night time hours. The site is currently vacant, and so the presence of new industrial development will create some noise and disturbance to local residents. However, with the recommended conditions to limit any noise generated from the site during night time hours, it is considered that the impact on residential amenity would not be significant on this allocated site, and as such the proposal is considered to be acceptable in this regard.

In respect of land contamination the applicants have submitted a Phase 2 Geo-Environmental Investigation and Assessment Report which has been assessed by the Environmental Health Section. This Report concludes that the site does not contain any significant and/or widespread contamination sources, and the risk to human health is therefore considered low with no specific environmental remediation required, although conditions are required to ensure this. However it notes that due to the high volume of Colliery Spoil some deposits of such materials could be at risk of smoldering or combusting if ignited. It is therefore recommended that a condition is attached to the permission as well as an informative to ensure that such a risk is minimised..

In relation to Air Quality issues, an Air Quality Assessment has been submitted which looks at the Air Quality impacts of the proposal through the construction and operational phases on local air quality.

The construction of the development would have the potential to generate fugitive dust from construction activities and changes in air quality because of exhaust emissions from plant and construction vehicles. The main likely effects on local air quality during construction relates to dust. A range of measures to minimise or prevent dust would be implemented and it is considered that both prior to and following mitigation, the effects from nuisance dust emissions would not be significant.

Emissions from construction vehicles would be small in comparison to the emissions from the large volume of vehicles travelling on roads in the surrounding area of the site and would not significantly affect air quality.

Emissions from plant operating on the site would be very small in comparison to the emissions from traffic movements on the roads adjacent to the site. It is therefore considered that the likely effect on local air quality from plant would not be significant.

Modelling has been carried out to predict the likely changes in local air quality following the completion of the development. The impact on local air quality has been predicted at existing sensitive receptor locations surrounding the site. Following completion of the development (which considers no future reductions in NO<sub>x</sub> and NO<sub>2</sub>), it is considered that the overall effect of the development is not significant.

The Assessment includes the following mitigation measures –

- A Travel Plan
- Cycle parking
- 3 electric car charging points
- Trees and planting along Todwick Road to absorb and filter and act as a buffer from vehicle emissions.

The Council's Air Quality Officer has assessed the submitted information and subject to the mitigation measures proposed has no objections. It is therefore considered that in relation to Air Quality issues the proposal is in accordance with the relevant Local Plan policies.

#### Impact on existing residents

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

The South Yorkshire Residential Design Guide (SYRDG) notes that: in respect of ensuring adequate levels of daylighting, distances should, as appropriate to specific circumstances, be limited by the 25 degree rule.

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

It is noted that there are existing residential properties situated relatively close to the northern boundary of the site on Church Lane. The submitted plans show that there is 30m from the front elevation of the houses to the rear elevation of the proposed building, and the plan also shows that the building is clear of the 25 degree line as laid out in the SYRDG. The landscape scheme shows a landscaping strip located along the northern elevation to provide some level of screening as well as softening the impact of the large building.

The applicant was asked to look at the option of moving the building away from the northern boundary to allow for the provision of a larger landscaping strip. In this respect they have stated that they are not able to do this because the depth of the service yard cannot be reduced; the size of the building is constrained to the east and west by existing poor ground conditions and needs to deliver a sufficient floor space to be viable. They have also stated that the submitted details include a 2m wide footway to the perimeter of the building as well as a landscaping strip between the building and the houses on Church Lane, and that the building as proposed does not encroach the 25 degree line.

The occupiers of the houses were consulted individually by letter and a site notice was erected directly in front of the houses and no representations have been received. The building is relatively large and will have an impact on the outlook from the properties, especially as the site is currently vacant with no built development present. However due to the separation distance between the houses and the proposed building, the proposed landscaping scheme, and the fact that the building does not encroach into the 25 degree line, it is considered that the impact upon residents amenity will not be significant.

In relation to the impact of the development in terms of noise and disturbance this is covered above and it is concluded that with suggested condition there would be no significant adverse impact on the residential amenity of the nearby occupiers.

### Heritage issues

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

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

It is noted that the site is not located within or adjacent to a Conservation Area, nor is it located close to any Listed Buildings.

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

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

The site development guidelines required the proposal to be supported by a Heritage Statement for Archaeology. Whilst the application was not supported by a Heritage Statement South Yorkshire Archaeology Service (SYAS) have comments that this block was considered during the archaeological assessment of local plan allocations and was assessed as having little or no archaeological potential. They therefore have no objections to the proposed development, and it is considered to comply with the above relevant Local Plan policies.

## **Conclusion**

The site is allocated for Industrial and Business Use within the Local Plan and it forms the Employment Site E14 and as such, the proposal is acceptable in principle.

The scheme is acceptable in terms of the design and layout, highway safety, drainage, ecology and landscaping as well as other general amenity issues identified above. The scheme is considered to be sustainable and has notable benefits in terms of generating employment within the Borough.

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

## **Conditions**

Article 35 of the Development Management Procedure Order 2015 requires that, where planning permission is granted subject to conditions, the decision notice must state clearly and precisely the full reasons: (i) for each planning condition; and (ii) in the case of each pre-commencement condition, for the condition being a pre-commencement condition. The reasons for each condition are provided below. Condition number 09 of this permission is a pre-commencement condition (since it requires matters to be approved before development works begin). This are justified as being pre-commencement condition because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition number 09 are fundamental to the acceptability of the development and the nature of the further information required to satisfy this condition is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.

## **General**

01

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

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990 and to assist in the delivery of development.

02

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

Location Plan Drawing No. 0101 Rev 01

Site Block plan Drawing No. 0102 Rev 01

Landscape Concept Plan Drawing No.1859-18-01 Rev B

Landscape Concept Sections Drawing No. 1859-18-02 Rev A

Proposed Levels Drawing No. 7906-WML-XX-XX-DR-C-1000 Rev P1

Proposed Earthworks Drawing No. 7906-WML-XX-XX-DR-C-1002 Rev P1  
Proposed Vehicle Tracking Layout Drawing No. 7906-WML-XX-XX-DR-C-1006 Rev P1  
External Works Drawing No. 17881-CW-XX-A-6000 Rev B  
Floor Plans Drawing No. 0103 Rev 02  
Roof Plan Drawing No. 0105 Rev 01  
Proposed Elevations Drawing No. 0106 Rev 02  
Proposed Elevations 2 Drawing No. 0107 Rev 04  
Proposed Sections Drawing No. 0108 Rev 03  
Tree Constraints Plan Drawing No. 1859-18-03 Rev –  
Tree Retention, Protection and Removal Plan Drawing No. 1859-18-04 Rev A  
Proposed Drainage Layout Drawing No. 7906-WML-XX-XX-DR-C-1001 Rev P2  
Proposed Fence Layout Drawing No. 17881-CW-XX-A-6006

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 Local Plan Policy

04

The boundary treatment shall be provided on site in accordance with the approved Proposed Fence Layout Drawing No. 17881-CW-XX-A-6006 before the development is brought into use.

Reason

In the interests of the visual amenity of the area.

#### Transportation/Sustainability

05

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

06

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a time bound programme of implementation, monitoring and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the programme of implementation. The approved details shall be implemented in accordance with the approved programme of implementation.

Reason

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

07

Before the development is brought into use 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.

08

Details of the 3 vehicle electric charging points and the timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable.

Reason

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

### General Amenity

09

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

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the construction work;
- the location of the site compound and staff parking;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of the quality of soil and its movement and temporary storage during construction
- details of proposed hours of construction on/deliveries to the site; and such further matters as the Local Planning Authority may consider necessary.

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

10

The occupier shall not exceed a free-field noise level of 60dB LAmax and 45dB LAeq, 15mins at 1m outside bedrooms of noise sensitive dwellings from any outdoor activity that takes place on site between 23:00- 07:00 Monday to Sunday

Reason

To protect the amenity of nearby residents in accordance with relevant policies within the Local Plan.

11

No noise generating plant including mechanical ventilation or refrigeration/air conditioning, extraction plant shall be installed in any part of the development until full and precise details have been submitted to and approved in writing by the Local Planning Authority. The details shall include a BS4142:2014 noise assessment by a competent person and shall detail any mitigation measures, physical or operational, to achieve a rating noise level which does not exceed the background noise level. Any mitigation measures identified in the report shall thereafter be implemented in their entirety and retained for the life time of the development.

Reason

To protect the amenity of nearby residents in accordance with relevant policies within the Local Plan

12

Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall show how the lighting meets the guidance provided by The Institute of Lighting engineers in their document 'Guidance Notes for the Reduction of Light Pollution'. The approved lighting details shall be implemented throughout the lifetime of the development.

Reason

To protect the amenity of the local residents from any unwanted light.

13

In order to minimise the risk from soils identified with high calorific values (with potential to combust), all heavily loaded electricity supplies within trenches will need to be isolated from the made ground materials and sealed to prevent any air ingress. These works will need to be validated and confirmed in the format of a Verification Report to be submitted to and approved in writing 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.

14

In the event that during development works unexpected significant contamination (including asbestos containing materials) is encountered at any stage of the process,

the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented.

#### 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.

15

Following completion of any remedial/ground preparation works a Validation Report shall be forwarded 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 validation data has been approved by the Local Planning Authority.

#### Reason

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

16

New landscaped areas shall be capped with a 300mm horizon of clean sub-soil and topsoil.

#### Reason

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

#### Ecology

17

Prior to the commencement of any over ground development details of the mitigation and enhancement measures identified in the submitted Ecological Impact Assessment, along with timescales for implementation shall be submitted to and approved by the Local Planning Authority. The approved detail shall be implemented and maintained in accordance with the approved timescales.

#### Reason

To ensure that the biodiversity interest on the site is protected and enhanced in accordance with the Local Plan.

#### Landscaping and Trees

18

Landscaping of the site as shown on the approved plan (drawing no. 01 rev.B, Landscape Concept Plan) 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 the Local Plan.

Drainage

19

Foul and surface water drainage shall be constructed in accordance with the submitted drainage strategy and drawing 7906-WML-DR-C-1001-P2 and the development shall not be brought into use until such approved details are implemented.

Reason

To ensure that the development can be properly drained in accordance with the Local plan and the NPPF.

Sustainability

20

The building hereby approved shall be designed and constructed to achieve BREEAM Very Good rating as a minimum unless it can be demonstrated that it would not be technically feasible or financially viable.

Reason

To achieve a sustainable form of development in accordance with the Local Plan.

Informatives:

01 General Amenity

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 Traffic management

The transport report carried out by Waterman state in section 6 Construction Traffic Management Plan, 6.1 Traffic Management Measures, that a 5-10mph speed limit

could also be introduced across the site. As there are no restrictions on the amount of vehicles entering and exiting the site, introducing and confirming this speed limit would reduce any potential noise issues from the acceleration and deceleration of the vehicles across the whole of the site, particularly overnight between 23.00hrs-07.00hrs

### 03 Land Contamination

Due to the presence of large amounts of Colliery Spoil and its potential to combust, potential surface ignition sources should be minimised during redevelopment and surface fires should be avoided during construction activities. New landscaped areas should also include adequate thickness of capping soils, to prevent ignition of the colliery spoil following construction.

It is anticipated that the majority of the cut areas would comprise Colliery spoil, mixed cohesive and granular made ground and more locally PUCM recovered as silty clay. As such, it is considered that the made ground and natural cohesive soils would not constitute material considered suitable for direct re-use as structural fill beneath the building footprint.

However, such materials could, subject to further design specific laboratory testing, be suitable for re-use beneath external areas subject to treatment with lime and/or cement.

Due to the generally deleterious (environmentally damaging) nature of the material, colliery spoil should not be used as structural fill, but could be used beneath clean soil within the proposed screening bund in the western section of the site. Prior to placement of imported fill, all made ground beneath the proposed building footprint should be removed, with the imported fill being laid on natural weathered PUCM. Alternatively, where deemed suitable following excavation, sorting and segregating, the existing ground could be treated with lime and/or cement to form an engineering fill beneath the imported granular fill.

The site would classify as Characteristic Gas Situation (CGS) 1 – ‘very Low Gas Risk’ in accordance with BS8484:2015. Under such circumstances, and in consideration of the site conceptual model, no specific gas protection measures would be required other than ensuring that construction joints and service penetrations through slab are fully sealed in accordance with current guidance.

Notwithstanding the above it is considered that the smaller areas, with limited ventilation such as offices should be classified as Type B or Type C structures. These areas would be reclassified as Characteristic Gas Situation (CGS) 2 – Low Gas Risk with BS8485:2015.

-The smaller office structures would also require ‘Basic’ Radon gas protection measures to be incorporated in accordance with BRE publication 211 (2007) ‘Radon:Guidance on protective Measures for new buildings’. This would include:

-Reinforced concrete ground bearing slab.

-Lapped, taped and sealed gas (radon and carbon dioxide) resistant membrane to reasonable

Levels of workmanship in line with current good practice with independent inspection/validation.

Membrane to be sealed around all penetrations and to damp proof course and should be installed according to manufacturer’s specification and current guidelines.

This should be agreed with the local authority Environmental Health/Building Control prior to any building design being finalised.

#### 04 Ecology

It is recommended that the removal of suitable nesting habitat be undertaken outside of the bird nesting season of March-August inclusive. If this is not possible, then vegetation removal must be preceded by an inspection by a suitably qualified ecologist. If any nesting birds are present, a minimum 5 m buffer zone will be established, and disturbing works will be delayed until the young have fledged and are no longer dependent on the nest.

#### 05 Environment Agency

Recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.

Refer to the contaminated land pages on GOV.UK for more information.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The Environmental regulations page on GOV.UK.

#### Waste to Be Taken Off Site

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005

- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

Additional comments relating to waste

Any development using waste or other material for engineering works may require an Environmental Permit, unless it is exempt from the need for a permit.

Waste transported to and from the development must only be carried by a registered waste carrier.

The applicant should arrange a meeting with the Environment Agency to discuss the permitting implications. Such a meeting is unnecessary where the proposal is exempt from the need for a permit.

For information, the applicant will have to agree a waste recovery plan with the Environment Agency for any activity involving the recovery of waste on land as part of the Environmental Permit (unless the activity is exempt from the need for a permit).

Please contact the National Customer Call Centre (Tel: 03708 506 506) for advice prior to commencing work or to check whether someone is a registered waste carrier on the public register.

## POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	<b>RB2018/1231</b>
<b>Proposal and Location</b>	<b>Erection of 15 No. dwellinghouses, formation of access road, car parking spaces and boundary treatment at former Lordens Hotel Site at Doe Quarry Lane, Dinnington.</b>
<b>Recommendation</b>	<b>Grant Conditionally, subject to a Unilateral Undertaking from the applicant regarding 100% affordable housing provision on the site.</b>

**This application is being presented to Planning Board due to the scale of the development.**



**Site Description & Location**

The application site consists of a site that was formally occupied by the Lordens Hotel Public House which has been demolished, though much of the demolition material remains on the site. The site is relatively flat at the front, though slopes down to the rear at the back of the site, and is located within an otherwise built up area with the playing fields of Dinnington Comprehensive located to the north of the site. To the west is a residential property that fronts Doe Quarry Lane whilst to the east are two residential properties, also accessed off Doe Quarry Lane, though one which is at the rear of the other.

The plot is approximately 0.10 hectares in area.

## **Background**

KP1961/1177: New toilets and staircase - GRANTED 13/02/61

RB1988/0077: Rear porch extension & replace door with window on front elevation - GRANTED 02/02/88

RB1994/0685: Display of various illuminated signs  
- GRANTED CONDITIONALLY 20/07/94

RB2004/1886: Installation of 60cm satellite dish to side of building  
- GRANTED 01/11/04

RB2014/1183: Demolition of public house and erection of 12 No. dwellinghouses - GRANTED CONDITIONALLY 21/11/16 (this permission has been implemented by the demolition of the public house).

### **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 15 No. houses (100% affordable housing). The houses would be laid out in a row to the front of the site facing Doe Quarry Lane, consisting of a block of five terraced houses and a pair of semi detached houses. To the rear of the site would be two rows of four terraced houses. All the dwellings are two bedroomed with each dwelling having a private rear garden of at least 50 square metres.

The land levels would be lowered at the front though raised at the rear (by up to 1m), primarily to prevent the requirement of pumped drainage from the back of the site up to Doe Quarry Lane.

The dwellings would be 7.7 metres in height to the ridge, 5 metres to the eaves, have a depth of 8.9 metres and a width of 7 metres. The dwellings would be constructed of brick and a tiled roof.

The site would be accessed off Doe Quarry Lane with the parking areas for the dwellings at the front of the site being located to the rear of the properties. The footpath at the front of the site would be widened to a minimum 2m. The dwellings to the rear of the site would have their parking areas located in front of the dwellings. Each dwelling would have one allocated parking space with 3 additional visitor parking bays being proposed within the site.

During the course of the application the highway layout has been amended to increase the size of the turning head, improve inter visibility at the access point and increase the width of the access road. In addition, the layout of the 8 dwellings at the rear has been amended so as to move them away from the eastern boundary.

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

### Design and Access Statement

The Design and Access Statement states that: “The housing development is a wholly affordable housing scheme, Arches Housing Association have worked closely with Strategic Housing at RMBC to provide the agreed tenure and mix of housing that is in demand in the local area. The homes will be offered at Affordable Rent levels, which is 80% of the market rent value..”

The Design and Access Statement goes on to state that: “The design retains the historic street pattern and allows the development to integrate with the existing community, it follows the grain of the existing site environment. The site layout is based around a “Hammer Head” design giving access between plots 5 and 6 via a shared surface access road with margins each side, the dwellings are orientated in line with the existing housing and Doe Quarry Lane, North West / South East, plots number 8 to 15 overlook the school playing fields and open country to the North West.

The scheme has been designed to project an active frontage to the road, a number of differing boundary treatments have been proposed, these being hooped topped metal railings to front and gable boundaries and close boarded timber fencing with gravel boards to rear and gable boundaries. The overlooking of on plot parking, parking courts, metal fenced frontage and defensibility of the private garden spaces combine to engender a feeling of community and safety.”

### Ground Contamination Report

The Phase 1 Contamination Report has concluded that there is no significant or historical ground contamination on the site. As such, it is concluded that the site is at low risk of ground contamination.

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

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

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

- CS1 ‘Delivering Rotherham’s Spatial Strategy’
- CS7 ‘Housing Mix and Affordability’
- CS20 ‘Biodiversity and Geodiversity,’
- CS21 ‘Landscapes’
- CS25 ‘Dealing with Flood Risk’
- SP47 ‘Understanding and Managing Flood Risk and Drainage’
- SP55 ‘Design Principles’

### **Other Material Considerations**

Council's Car Parking standards

The South Yorkshire Residential Design Guide

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

National Planning Policy Framework: The NPPF came into effect on July 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 along with individual neighbour notification letters to adjacent properties. No letters of representation have been received by the Council.

### **Consultations**

RMBC (Transportation Infrastructure Service): Have commented that the revised layout has overcome their concerns and no objections are raised subject to relevant conditions, including the following:

- 1) The vehicular areas are suitably hard surfaced.
- 2) The car parking areas are provided as per the submitted plan.
- 3) Measures to promote sustainable travel are submitted for approval.
- 4) The footway in front of site is widened.

RMBC (Environmental Health): Raise no objections to the application subject to an informative being attached that relates to good practice during the construction phase.

RMBC (Drainage): No objections subject to conditions.

RMBC (Affordable Housing Manager): Notes that the scheme is entirely for affordable housing. As such, she fully supports the scheme.

SYMAS (South Yorkshire Mining Advisory Service): Raise no objections to the proposal.

Rotherham Clinical Commission Group: State that there are enough GP Practices in the area to accommodate the number of new residents.

### **Appraisal**

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

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

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

The main considerations in the determination of this application are:

- Principle of development
- Design, scale and appearance
- Highway issues
- Flood risk and drainage
- Ecology/biodiversity matters
- Tree matters
- Impact on existing/proposed residents
- Affordable housing provision

#### Principle of development:

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

The proposal allows redevelopment of this former public house site, which has previously been accepted (RB2014/1183), within this otherwise residential area. The public house has now been demolished and the site cleared. The site is allocated for 'Residential' purposes in the Local Plan and therefore the principle of residential development is acceptable.

#### Design, scale and appearance

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."

The NPPF at paragraph 124 states: "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities." Paragraph 130 adds: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."

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

The site is located fronting Doe Quarry Lane with the properties being of a contemporary design. Seven dwellings would front Doe Quarry Lane, with a separate row of eight dwellings to the rear set in two blocks. The dwellings would be constructed of a mixed pallet of brickwork, with projecting central gables and a tiled roof.

It is noted that the proposed materials of the dwellings matches those in the immediately neighbouring properties, which are constructed of red brick with a mix of tile and slate roofs, and the scale at two storey is similar to other properties in the area. The existing streetscene of Doe Quarry Lane is mixed and is characterised by properties of differing styles and design. The development would, however, look similar to a contemporary designed housing scheme at the other end of the road opposite Dinnington Comprehensive School and therefore overall, it is considered that the design of the scheme is acceptable and would not harm the character and appearance of the streetscene of Doe Quarry Lane or the surrounding area and would create an attractive development on the site.

Having regard to all of the above, it is considered that the layout and design of the proposed development is acceptable. The impact on existing and future occupiers is discussed in more detail below.

### Highways issues

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

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.
- g. The use of Transport Assessments for appropriate sized developments, taking into account current national guidance on the thresholds for the type of development(s) proposed.

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

The Council's Transportation Unit have assessed the proposals and consider that the site is suitable for residential development subject to the recommended conditions. It is noted that the site layout has been amended to provide an enlarged turning area, improved inter visibility at the access point and that the access road has been increased in width. The proposed visibility is acceptable and the provision of on-site parking spaces accords with the Council's minimum requirements.

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

## Flood risk and drainage

Policy SP 47 'Understanding and Managing Flood Risk and Drainage' states (amongst other things):

"The Council will expect proposals to:

- a. demonstrate an understanding of the flood route of surface water flows through the proposed development in an extreme event where the design flows for the drainage systems may be exceeded, and incorporate appropriate mitigation measures;
- b. control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The Council will expect applicants to consider the use of natural flood storage / prevention solutions (such as tree planting) in appropriate locations, and the use of other flood mitigation measures such as raised finished floor levels and compensatory storage; and
- c. Consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties."

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

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

The Council's Drainage Engineer has confirmed that he has no objections to the proposals subject to relevant conditions.

Having regard to the above it is considered that the proposals accord with Policies CS25 'Dealing with Flood Risk' and SP 47 'Understanding and Managing Flood Risk and Drainage' as well as the advice within the NPPF.

## Impact on existing/proposed residents

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

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

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

With regards to neighbouring amenity it is noted that the development would comply with the Council’s minimum spacing standards and that the amended proposals comply with the 25/45 degree lines set out in the South Yorkshire Residential Design Guide. One of the proposed dwellings at the rear of the site, which would be on the raised ground level, would have angled views over the rear garden area of 62 Doe Quarry Lane. However, this would be over the bottom end of the long rear garden area, and would be obscured by significant planting that exists on the boundary of the site.

All the dwellings would have adequate amenity space, with internal space either meeting or exceeding the Council’s minimum requirements.

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

#### Affordable Housing provision

Core Strategy Policy CS7 ‘Housing Mix and Affordability’ states that on sites of 15 or more dwellings, 25% affordable housing should be provided on site.

In this instance the scheme is 100% affordable housing so clearly complies with this Policy. The applicant has signed a S106 Unilateral Undertaking that sets out that the housing will remain as affordable housing in perpetuity.

#### **Conclusion**

The site is allocated for Residential purposes in the Local Plan which was adopted on 27 June 2018 and is within a sustainable location. As such, the proposal is acceptable in principle.

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

The provision of 100% affordable housing units on the site is clearly welcomed.

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

#### **Conditions**

##### General

01

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

##### Reason

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

02

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

(Drawing Number 18-564-Site/ 18-564-P12/ 18-564-P13/ 18-564-P13/ 18-564-P15/ 18-564-P16/ 18-564-P18/ Topographical Survey/ 18-564-C20)(Received 06/08/2018)(Drawing Numbers 18-564-C11 Rev C/ 18-564-P9 Rev B/ 18-564-P14 Rev A/ 18-564-P15 Rev A)(Received 06/11/2018)

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

Highways

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 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.

06

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

In order to promote sustainable transport choices.

07

Constructional and drainage details of the proposed widened footway on Doe Quarry Lane shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is brought into use.

Reason

No details having been submitted they are reserved for approval.

### Landscaping

08

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

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

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

Reason

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

### Drainage

09

Construction of drainage infrastructure shall not begin until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an

assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is brought into use. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways etc.);
- The limitation of surface water run-off to equivalent brownfield rates (i.e. minimum of 30% reduction in flows based on existing flows and a 1 in 1 year return period);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.

#### Reason

To ensure that the development can be properly drained in accordance with the Local plan and the NPPF.

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

#### Informatives:

01

#### Control of working practices during construction phase (Close to residential)

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

## POSITIVE AND PROACTIVE STATEMENT

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