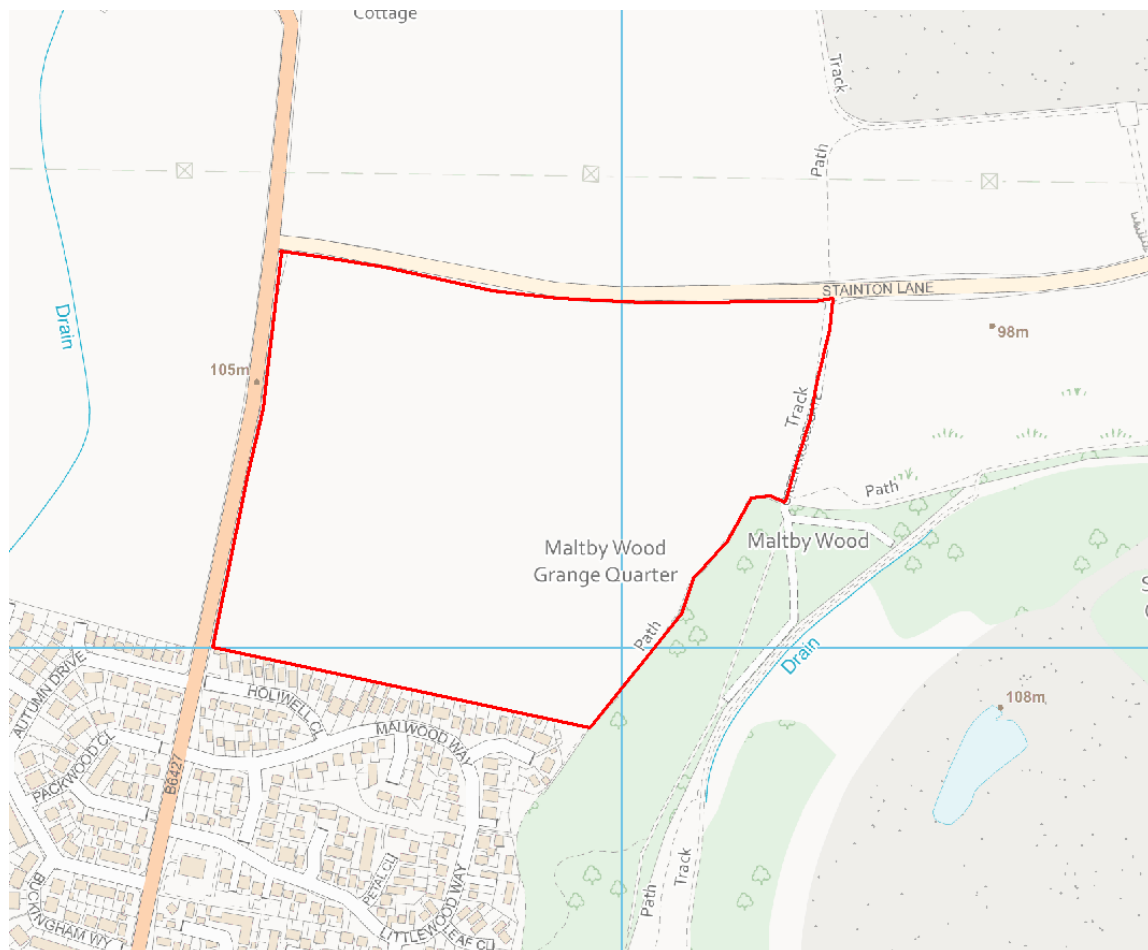


**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 31 OCTOBER 2019**

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

Application Number	RB2016/1492
Proposal and Location	Hybrid application for Full Permission for the erection of 100 No. dwellinghouses including access road, landscaping, entrance feature & open space, and temporary pumping station equipment (Phase 1) and Outline Permission for the erection of up to 300 No. dwellinghouses including landscaping & open space incorporating balancing pond facility with all matters reserved (Phases 2, 3 and 4) at land east of Grange Lane Maltby
Recommendation	<p>(A) That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • 25% on overall site affordable housing provision • A contribution towards Bus Stop improvements of £15,000 • Commuted sum of £500 per dwelling towards sustainable transport measures • Establishment of a Management Company to manage and maintain the areas of Greenspace, including the proposed LEAP/LAP. • Education contributions (£2,521 per open market dwelling) • Contribution towards MOVA system (Microprocessor Optimised Vehicle Actuation) to control the signals at Queens Crossroads of £75,000 <p>(B) Consequently upon the satisfactory signing of such an agreement the Council grants full and outline permissions for the proposed development subject to the conditions set out in this report.</p>

This application is being presented to Planning Board as it is a Major development.



Site Description & Location

The application site is a parcel of agricultural land which is located to the west of Grange Lane, south of Stainton Lane, and to the west of Maltby Wood. Grange Quarter, part of Maltby Commons & Woods, abuts the eastern part of the application site and is Ancient Woodland and an identified Local Wildlife Site.

The site adjoins existing residential properties to the south on Holiwell Close, Malwood Way and Springwell Close. There are agricultural fields beyond the site to the west and north.

The site is approximately 15.6 hectares in area, it is generally flat and has existing hedgerows along the boundaries.

Public Footpaths Maltby No.2 and No.18 converge and run along the eastern boundary of the site, which link up to footpaths in the Doncaster Borough to the north and Maltby Woods to the south.

There are existing bus stops adjacent to the site on Grange Lane.

Background

Relevant Planning History

RB1979/3251 – Outline Application for residential Development – refused 20-02-1980 as at the time the site was unallocated on the approved Town Map for this area, development in this location could have proved prejudicial to the preparation of a Local Plan for this area, due to the loss of agricultural land, as the site was unstable due to underground mining operations and was likely to remain so until 1982, and as insufficient information had been provided to assess the adequacy of the existing off-site surface water and foul water sewerage systems for a development of that scale.

Community Infrastructure Levy

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

Environmental Impact Assessment

The proposed development falls within the description contained at Paragraph 10 (b) of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 2017 and meets the criteria set out in column 2 of the table in Schedule 2 i.e. the number of dwellings proposed exceeds 150. However, the Borough Council as the relevant Local Planning Authority has taken into account the criteria set out in Schedule 3 to the Regulations and it is considered that the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size and location.

Proposal

The application has been submitted as a Hybrid application seeking full planning permission for the erection of 100 No. dwellings including access road, landscaping and open space in Phase 1, and outline permission for the erection of up to 300 No. dwellings including landscaping & open space with all matters reserved for Phase 2, 3 & 4.

Full Application

This includes 100 dwellings which are proposed to be a mix of 2, 3, 4 and 5 bedroom properties developed at a density of approximately 29 dwellings per hectare. The development consists of 2, 2.5 and 3 storey properties with the tallest buildings being located closer to the proposed central square and the lower houses being located to the south of the site adjacent to the existing residential properties, which also includes a 5m landscape buffer between the existing boundary and the proposed gardens.

The full application also includes site access off Grange Lane, the provision of a pumping station required for the development of phase 1, to be relocated on the completion of Phase 1, and the provision of a 15m wide structural planting buffer along the Grange Lane and Stainton Lane frontages.

The layout has been amended through the process in response to comments raised by the Council. It proposes areas of landscaping which includes a children's play area in the form of a 'Local Equipped Area for Play' (LEAP), as well as a central public green square area. The application also includes the provision of a brick and stone entrance feature.

Outline Application

The outline element of the proposal relates to phases 2, 3 and 4 and would be for the development of up to 300 dwellings, with a second access provided into the overall site, from Stainton Lane. Details of the means of access into the outline element are reserved for determination through reserved matters applications. If approved it is envisaged that this would provide the opportunity to reroute existing bus services through the site.

The outline site masterplan also indicates provision of a balancing pond facility in the north eastern corner of the overall site, as well as a Local Area of Play (LAP) within the site.

Planning Statement

This document has been updated in view of adoption of the Local Plan in June 2018, and the revision of the NPPF in 2019. It notes how the development proposals accord with the updated NPPF and adopted Local Plan and that the application should be approved without delay in order to enable the delivery of the site for housing.

Design & Access Statement

This concludes that the proposals have taken into account relevant planning and design guidance and that the Masterplan provides a framework for future development of the site. The proposed access points and internal road network have been future proofed to support the potential provision of bus services through the site with pedestrian and cycle safety in mind. Future phases of development will also provide linkages into surrounding footpath networks and woodland.

Transport Assessment

A Transport Assessment was submitted in support of the application originally. Additional information has also been submitted at the request of the Local Planning Authority. The TA seeks to demonstrate that the proposed development is in accordance with both national and local planning policies, and from a highways perspective planning permission should be forthcoming subject to appropriate conditions where appropriate, and Agreement under Section 106 of the Town and Country Planning Act.

Biodiversity Report & Survey

The report concludes that the site supports a limited number of habitat types and has low potential for protected species to be present. Low bat activity was recorded around the periphery of the site. It recommends that a bat brick is incorporated into south west facing aspect of three of the proposed properties in each Phase (total 12), and that bird boxes are also incorporated.

Air Quality Assessment

This notes that through good practice and implementation of appropriate mitigation measures, it is expected that the release of dust would be effectively controlled and mitigated through the construction phase, with resulting impacts considered to be 'not significant'. Development trips arising during the operational phase of the scheme are predicted to result in a negligible impact on annual mean NO₂ concentrations at all considered sensitive receptor locations.

As such, the overall effect is considered to be 'not significant' and it is considered that, should the necessary mitigation measures be in place, air quality does not represent a material constraint to the development proposals, which conform to the principles of National Planning Policy Framework, RMBC Core Strategy and Delivering Air Quality Good Practice Guidance.

Archaeological Report

This recommends that a program of targeted evaluation trenching be carried out in order to help identify the presence and significance of any archaeological remains that could potentially survive.

Flood Risk Assessment

This report concludes that the site can be developed without increasing flood risk to the site itself and other sites in the vicinity, and also without unacceptable residual risk of flooding, with the implementation of suitable mitigation measures.

Statement of Community Involvement

This sets out pre-application consultation carried out by the applicant –

- Leaflet drop
- Public exhibition
- Contracting Local Members
- Electronic Media

Feedback from responses and discussion was detailed and taken into consideration in the submission of the application.

Historic Environment Assessment

A desk based study identified five designated heritage assets within 1km of the site, which comprise one Scheduled Monument and Grade II Listed Building (Moat Hall), and four Grade II Listed Buildings (three farm buildings and one milepost). The report concludes that views of the site to the south-west towards the listed milepost are not possible due to its location within the built-up Maltby town centre. While there are restricted views from the Scheduled and Listed Moat Hall towards the site, it is concluded that these distant and indistinct views do not affected the heritage significance of this asset. As such, these heritage assets are excluded from further assessment. The report notes that three Grade II Listed buildings could potentially be affected by the proposed development, these are located approximately 300m north of the development site within the Lambcote Grange complex.

The report concludes that the proposed development would not impact upon the associated historical values of the listed buildings, and any impact will be minimized by the inclusion of a landscape buffer around the boundaries of the site. It therefore concludes that the proposed development would cause considerably 'less than substantial harm' to the significance of the Listed Structures.

Noise Assessment

This considers noise sources from road traffic, and concludes that the ambient daytime external noise levels across the majority of the site is below the required level, however Plot 1 exceeds this, and so it is recommended that an acoustic fence is provided at this plot.

With regards to internal noise levels the report recommends specific glazing specification to ground floor and first floor windows to ensure ambient noise levels are met.

The report states that it is anticipated that the results would be similar across the remainder of the whole site.

Landscape and Visual Assessment

Landscape impacts due to the proposed development are evident on the existing field pattern and the character of the application site. In the long term, as the proposed buffer zone planting matures, the landscape character of the site and the local landscape character will be enhanced and reinforced.

It concludes that there are minor landscape impacts and slight visual impacts.

A comprehensive landscape scheme is proposed that will establish a long term 15m buffer zone to the west, north and east. This will have the appearance of small stands of trees and woodland belts which are a feature of the local landscape character. In addition the hedgerow boundaries that are important to the site will be retained. After the planting has matured in 15 years' time it will provide visual screening to all the viewpoints.

The proposed scheme will therefore only have minimal impact on the landscape characteristics and visual resource of the area and in time will be in keeping with the rest of Maltby.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document (adopted on 27th June 2018) which replaces the Unitary Development Plan (UDP) that has now been superseded.

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

Core Strategy policy(s):

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

The Sites and Policies Document – June 2018: SP1 Sites Allocated for Development

- SP11 Development in Residential Areas
- SP26 Sustainable Transport for Development
- SP32 Green Infrastructure and Landscape
- SP33 Conserving and Enhancing the Natural Environment
- SP34 Sites Protected for Nature Conservation SP35 Protected and Priority Species

SP36 Soil Resources
SP37 New and Improvements to Existing Green Space
SP39 Design and Location of Green Space, Sport and Recreation
SP42 Archaeology and Scheduled Ancient Monuments SP43
Conserving and Recording the Historic Environment SP47
Understanding and Managing Flood Risk drainage SP52 Pollution
Control
SP54 Contaminated and Unstable Land
SP55 Design Principles
SP56 Car Parking Layout
SP57 Sustainable Construction
SP64 Access to Community Facilities

Other Material Considerations

Other material considerations include as follows: South

Yorkshire Residential Design Guide Manual for Streets

Council's Car Parking Standards

National Planning Practice Guidance (NPPG) (as revised)

National Planning Policy Framework: The NPPF came into effect on February 19th (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 originally publicized in 2016, however a second round of publicity was undertaken recently due to the length of time that the application has been under consideration. The application was publicised in two local newspapers, site notices were posted and the occupiers of adjoining properties were notified by letter.

42 letters of objection have been received from local residents, and comments have been received from Maltby Town Council, Tickhill Town Council, Stainton Town Council and Braithwell and Micklebring Parish Councils.

Objections –

- More Council houses are needed
- Maltby is full and plenty of new homes have been built recently
- Field is used by dog walkers
- Public transport poor around this area
- Road safety problems already exist with many quarry HGVs on the roads, traffic will be increased on local roads, villages and motorways
- Roads are in poor state of repair - potholes
- Wildlife will be impacted including hedgehogs, barn owls, bats, birds etc
- Potential Archaeology on the site

- Issues regarding drainage
- Impact on local GPs and schools
- Loss of privacy
- Loss of view
- Affordable housing all in one place, to the rear of existing properties.
- Consultation process was a waste of time
- Green area will be spoilt by unwanted buildings, brownfield sites should be first and there are plenty of empty houses that should be brought back into use instead of building more.
- Disturbance when being built
- Increased Air Pollution
- 7m buffer should be provided between existing houses and new gardens.
- Risk of mining under the site
- Devalue the area

Parish/Town Council Comments –

- Increase traffic on already busy roads and lanes
- Increased traffic in Stainton village, which will increase accidents with pedestrians
- The risk of flooding will increase in Stainton and Tickhill
- The Flood Risk Assessment is incorrect, surface water is proposed to discharge into Ruddale Dyke which runs through the centre of Stainton, which already causes flooding. At normal times the stream will be at capacity and cannot take the proposed discharge from the proposed development. Other options for drainage are available which would protect 'at risk' areas.
- The Mill Dam already floods and any further discharge into Paper Mill Dike or its tributaries need to be included in the submission. If discharged to Ruddale Dyke this would cause problems in Tickhill, and the drainage solution proposed in the application appears inadequate to cope.
- The assumptions made on water run off by the applicant have been proved incorrect by a local water engineer through Tickhill Council. If increased problems are faced in the future by residents, this objection will remain on file.
- Site takes up Green Belt land
- There are no bus services to Stainton
- As the development is close to Stainton boundary the Parish Council will seek CIL and/or Section 106 funding from the development

Maltby Parish Council do not object to the application, however they have raised concern that some of the reports included within the consultation are out of date, and not all updated reports and consultee comments are available on the website within the consultation period. They specifically refer to the comments from the Council's Education department being dated 2017.

2 letters of support have been received which applauds the Council for building more houses, and that more affordable homes are needed

The applicant and one local resident has requested the Right to Speak at the Planning Board meeting.

Consultations

RMBC - Transportation and Highways Design: No objections to the application subject to relevant conditions and contributions as part of the S106 agreement

RMBC - Leisure and Green Spaces Manager: The information is satisfactory in terms of details relating to green space and children's play provision.

RMBC - Tree Service Manager/Consultant: No objections

RMBC - Landscape Design: No objections provided that the proposed buffers along Grange Lane and Stainton Lane are provided within the first phase.

RMBC – Drainage: No objections subject to recommended conditions

RMBC - Affordable Housing Officer: No objections

RMBC – Ecologist: No objections subject to conditions

RMBC - Environmental Health: (Noise) No objection subject to recommended conditions.

RMBC - Environmental Health (Air Quality): No objection subject to Electric vehicle charging point in dwellings

RMBC – Environmental Health (Land Contamination): No objections

RMBC – Education: An Education contribution would be requested for this development for Secondary Education. The school, Maltby Academy, is more recently oversubscribed. As per the Education S106 policy it would be the number of open market dwellings chargeable x £2,521.

RMBC Public Rights of Way – No objections

SYLTE – Residents of the development would access services 10/10a and 18 at the stops, and a request for £15,000 has been made to upgrade the bus stop facilities in this location.

South Yorkshire Archaeological Service: No objections subject to relevant conditions.

Severn Trent Water: No comments received to the re-consultation however they originally commented that they had no objections subject to recommended conditions.

Rotherham NHS – There is enough primary care provision in the area to support the full application of 100 houses, the capacity for the additional 300 houses may have to be looked at when the details are submitted. The NHS were advised that they need to submit any further comments with an evidence base as part of this application, however no further comments have been received.

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

Sport England – No comments received to the re-consultation however they originally objected to the application in a non-statutory role as the proposal would generate demand for sporting provision.

Doncaster MBC – No objections from a drainage aspect, or in relation to the impact of the proposal on Heritage Assets. Originally the Authority objected on highway grounds, and they are re-assessing updated information to see if the objection still stands.

CPRE - No comments received to the re-consultation however they originally objected to the application on the basis that the site was still in the Green Belt at that time.

Appraisal

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

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

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

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

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

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

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

The principle of the development

The application was allocated as Green Belt within the former UDP, however the Local Plan Sites and Policies Document which was adopted on 27th June.

2018 removed the site from the Green Belt and re-allocates it for Residential use. It forms Housing Site H69 (total area of 16.17 hectares) and the Sites and Policies Document indicates that the total site has a capacity of approximately 400 dwellings.

Policy CS1 'Delivering Rotherham's Spatial Strategy' states, in part, that: *"Most new development will take place within Rotherham's urban area and at Principal Settlements for Growth"*. Maltby and Hellaby are identified as one of the Principal settlements which is to provide 700 dwellings as part of the Local Plan.

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

Policy SP1 'Sites Allocated for Development' identifies sites that are allocated for development and contribute to meeting requirements set out in the Core Strategy. SP1 allocates the site as H69 for a total of 400 dwellings.

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

With the above policies in mind the site has now been allocated for Residential Use as part of the adopted Local Plan and as such the principle of residential development is acceptable. The number of dwellings proposed for the site accords with that set out in the policy. The sites identified for development within the Local Plan are intended to promote sustainable development and assist in delivering priorities and objectives of the NPPF and the adopted Core Strategy.

Through the Local Plan process the site was identified as a result of extensive consultation and a site appraisals process, including a Sustainability Appraisal, and assessed in terms of a range of social, economic and environmental factors. The Sites and Policies Document identifies that the site is sustainable in principle for residential use.

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

In relation to this site, there is a convenience store and public house within 800m of the site and numerous other services within Maltby Town Centre 1.4km away. The text to policy SP64 recognises that flexibility will be required in certain circumstances and it is also noted that the Sites and Policies Document did not specifically require any provision of Community Facilities on the site. It is therefore considered that the application site has good access to a wide range of shops and services within Maltby Town Centre.

The provision of education/GP facilities within the area is discussed in more detail below.

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

Design, layout and scale

Policy CS28 'Sustainable Design' states, in part, that: *"Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping..... Design should take all opportunities to improve the character and quality of an area and the way it functions."* This seeks to ensure that all developments make a positive contribution to the environment by achieving an appropriate standard of design.

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

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

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

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

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

The existing properties within the locality are primarily dwellings constructed around the 1970's, being predominantly 2 storey and single storey properties.

In relation to Phase 1 the design, appearance and materials of the properties proposed will incorporate a local palette of materials which will include a mixture of red and sand coloured brick elevations with red and grey roof tiles, which are in keeping with existing materials in the area. The scheme proposes to incorporate elements of render and mock Tudor boarding for detail. The scheme also proposes entrance features either side of the access off Grange Lane, which will be brick built features including the name of the development.

The scale of the dwellings is considered to be appropriate for this site, with much of the surrounding housing including detached and semi-detached dwellings. Whilst the proposal does include some 2.5 and 3 story properties these are located within the site away from the site boundaries and are used to create feature areas throughout the development.

As a result it is considered that the amended scheme will provide a pleasant suburban layout suitable for this edge of settlement location. The mix of dwelling types is varied with 2, 3, 4 and 5 bedroomed properties, which are 2/2.5/3 storey. The majority of the dwellings are detached with some terraces proposed adjacent to a feature green open square.

Phase 1 also includes areas of Public Open Space and the provision of a children's play area to the south east of the site. There is also a comprehensive landscape scheme to be implemented including the provision of a 5m landscaped buffer between the rear gardens of the new dwellings and the existing dwellings to the south of the site within the first phase, as well as a 15m planted buffer to the northern, eastern and western boundaries of the site, of which the northern and western buffers are also to be provided in Phase 1 of the development.

Having regard to all of the above, it is considered that the layout and design of Phase 1 of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. It is proposed that the layout, design and appearance of the properties on Phases 2, 3 & 4 will be assessed via the submission of Reserved Matters applications as the build out of the site is progressed.

Therefore, it is considered to accord with the above Local Plan Policies, as well as the general principles and goals set out in the NPPF. Throughout the application process the applicants have demonstrated a concerted effort to achieve a well-designed scheme that respects the existing built form, and the site's location adjacent to the Green Belt.

Provision of open space/recreation facilities on site

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

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development*
- b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required*

- c. *Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development*
- d. *Considering the potential of currently inaccessible green space to meet an identified need.*
- e. *Putting in place provision for long term management of green space provided by development*
- f. *Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.*
- g. *Links between green spaces will be preserved, improved and extended by:*
 - i. *Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way*

Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature

- ii. *Creating or extending green links where feasible as part of green space provision in new developments.”*

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

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

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

Phase 1 of the development is for 100 dwellings and as such the requirement is for 5,500sqm of open space provision on site for this phase. The plans show a total of 6,100sqm of green space contained within formal open spaces, a formal square and a LEAP, as well as informal open space including pathways, roadside grass areas and meadow. As well as these usable areas there are significant landscape buffers on the western and southern boundaries, and in this regard it is therefore considered that Phase 1 of the development achieves the required amount in line with the Policy.

The Green Space provision for Phase 2, 3 & 4 would be assessed via the submission of Reserved Matters applications.

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

It should be noted that all the areas of public open space, including the planted landscaped buffers along the boundaries of the site, are proposed to be maintained by a management company which would be secured by a Section 106 legal agreement.

An objection to the application has been received by Sport England as a non-statutory consultee. They have calculated that the population of the proposed development in this area will generate a demand for a total of £336,020 which is in relation to Sports Halls, Swimming Pools, Artificial Grass Pitches and Indoor Bowls.

The Council's Culture, Sports and Tourism Partnership Manager has provided comments in relation to the request from Sport England and considers that the demand outlined can be met by existing provision. He notes that Maltby Leisure Centre is close by, and the local comprehensive school has a full size 3G sports pitch. Also as the contributions mentioned for swimming and indoor bowls are small it is considered that any demand could be accommodated within the existing local provision. Taking this into account along with the proposed on-site greenspace provision it is not considered that the contribution requested by Sport England can be justified as part of this planning application.

It is therefore considered that the scheme provides an appropriate amount of open space as well as play equipment on the application site and accords with the above Local Plan Policies.

Highways issues

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

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

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

Policy SP26 'Sustainable Transport for development' states, in part, that *"Development proposals will be supported where it can be demonstrated that: a. as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;*

b. local traffic circulation, existing parking and servicing arrangements are not adversely affected;

c. the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;

d. schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access.”

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

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

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

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

The site development guidelines for H69 as set out in the Sites and Policies Document states that: *“A Transport Assessment will be required which considers issues of public transport accessibility, remoteness from facilities and any potential impact at Queens Crossroads.”*

The Transportation Unit have assessed the submitted details, including the Transport Assessment. Their comments are summarised below -

Site Access / Grange Lane

The site will be accessed for Phase 1 from a new junction to Grange Lane, appropriate visibility splays are available and a right turn lane will be provided. Grange Lane will also be the subject of other works (lining / bus stops / refuges/street lighting etc). The scheme will result in the speed limit being reduced to 40 mph which will necessitate a Traffic Regulation Order. South Yorkshire Police have been consulted and are content with the proposal. It is proposed that the further phases of the development will be accessed from this access as well as off a second access from Stainton Lane, however future reserved matters application will need to include the details of this.

Site Layout

The proposed layout for the Phase 1 of the development has been assessed and found to comply with the guidance in Manual for Streets and the South Yorkshire Residential Design Guide. The layout for future phases has not been considered at this stage and details will have to be submitted in future reserve matters applications.

Transport Assessment

Phase 1 of the development consists of approximately 100 new dwellings. The figures presented in the TA are for residential development of the whole site. It has been assumed that the likely build-out period for the entire site will be around 8 years and a future year of 2026 has been adopted in the modelling

Trip Generation - The TA uses industry standard software to estimate the likely traffic generation from the residential development at the site and trip generation figures are considered to be realistic and representative of the likely vehicle generation from the proposed site. A survey carried out on behalf of the applicants suggests that 60% of generated vehicle trips would be northbound in the am peak and therefore 40% of vehicle trips would be southbound. The reverse would be true in the pm peak.

Traffic Impact - The proposed development would generate an increase in vehicular trips on the local highway network. The main impact of the additional trips is likely to be on the Queen's Crossroads in the centre of Maltby, which has been modelled. The TA suggests that increasing the traffic signal timings time would be a suitable solution to mitigate the additional trips that would be generated by the development. On the face of it this would seem to restore the reserve capacity of the junction. However, there would be a detrimental effect on waiting times for pedestrians attempting to cross two arms of the junction. Therefore, a better approach would be the installation of a MOVA system (Microprocessor Optimised Vehicle Actuation) to control the signals. This has been shown to significantly increase junction throughput and would adequately address the predicted capacity issues. This would be provided by way of a S106 contribution from the applicant.

Site Accesses – To ensure a robust assessment it has been assumed that all of the site's generated traffic will use the Grange Lane access and this scenario has been modelled. The results suggest that the single access would be able to cope with all trips generated by the fully built out site. That being the case a scenario with an additional access need not be modelled. The TA contains assumptions about traffic speeds and junction layout that may not be justified. The form and geometry of the Grange Lane access would therefore need to be discussed and agreed prior to permission being granted. This can be dealt with by way of a planning condition.

Additional Modelling carried out post TA submission - The applicants (on the basis of discussions resulting from the first TA submission) have examined the first major junction to the north of the application site which is in the village of Braithwell (Doncaster area) where Holywell Lane joins High Street and Maltby Lane as a priority junction. Opposite this junction is Ashton Lane which together with Holywell Lane forms a cross roads. From the current traffic flows it appears that drivers from Maltby may be using the route west via Ashton Lane to gain access to Moor Lane North and Moor Lane South, and hence by-pass Maltby and the M18 Motorway junction. This assumption would validate the higher morning flows north from Maltby which were recorded on Grange Lane.

It seems likely that the attempt to produce a robust case has, to some extent, produced a set of worst case scenario model outcomes. Even without the addition of development traffic, the length of the queue on Ashton Lane is likely to increase over time and the development on Grange Lane may put more traffic through the junction. Given the impracticality of mitigating the problems at the junction, and the likelihood of people re-routing if they perceive the queue to be too long, it is considered to be unreasonable to oppose the development on this basis.

Car Parking - Car parking should be provided in line with the Council's minimum parking standards.

Pedestrian Accessibility - Whilst there is pedestrian access to the site, the additional number of potential pedestrian trips generated should be taken into consideration and facilities for accessing the site upgraded appropriately. A wide variety of local facilities, (education, healthcare, retail, services, leisure and public transport) are available in Maltby, with a neighbourhood convenience store, newsagent and ATM available at the local centre at Manor Road approximately 1km to the south west of the site or within 800m on Grange Lane itself. Although these distances are within national guidelines for walking to local facilities, in reality many of these short trips will be made by car, therefore the robust trip rate calculations are justified.

Public Transport - The TA's claim that the site is accessible by public transport is accepted however no consideration has been given to the spare capacity of the services available.

The S106 Agreement includes a financial contribution of £15,000 towards bus stop improvements on Grange Lane.

Cycling Accessibility - There are no specific cycle facilities in the existing highway network in the immediate vicinity of the site. However there are some dedicated cycle links that can be accessed within a reasonable distance. There is a range of amenities and employment areas accessible via the local highway network located within an acceptable cycling distance (5Km) of the site.

Road Safety - Recent accident records show that there are no major road safety issues in the vicinity of the site. The types of accidents recently recorded do not demonstrate a pattern. Accordingly, the proposed scheme takes into account pedestrian / cycle facilities for accessing local facilities.

Travel Planning - Given the public transport connectivity of the site it is suggested that the developer should be required to provide a sustainable transport contribution of £500 per dwelling (safeguarded by a S106 Agreement) to be used to fund a variety of measures encouraging residents to travel sustainably. A travel plan has been submitted, but a condition is still required to enable enforcement.

Taking the above into account, and the fact that the developer is to fund the MOVA works required at the Queens Crossroads, it is considered that the proposal is acceptable from a Transportation point of view, and in this respect it satisfies the provisions of the above Local Plan Policies and the NPPF.

The Council's Public Rights of Way officer has assessed the plans and notes that public footpath No.2 in Maltby falls within the south eastern corner of the application site but is unaffected by the proposals in its current layout and is accessible from the estate which is considered acceptable.

The public footpath No.2 leaves the application site further to the north and continues adjacent to the site, becoming Maltby Footpath No.18 and runs in a northerly direction to link with Stainton Lane. Vehicle prevention measures in this location may be required to safeguard new residents, details of which can be submitted by condition. The proposal is therefore considered acceptable in this respect.

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 Site Development Guidelines in the Sites and Policies Document states that: *“A watercourse is present on this site. Flood risk from this watercourse and overland flows should be assessed. The layout, floor and ground levels need careful consideration and should be informed by the findings of the Flood Risk Assessment.”*

The application was supported by a Flood Risk Assessment which confirms that the site is within Flood Zone1 as shown on the Environment Agency maps, meaning that it is very unlikely to flood and that the sequential test is satisfied.

The phase 1 drainage scheme will need to be acceptable on a stand alone basis. The approval of the detailed design of this is to be approved via a condition on any approval. The surface water for phase 1 drains towards the north west and is attenuated in a tank close to the western boundary. The attenuated runoff then continues north parallel to Grange Lane before turning 90 degrees just before Stainton Lane to run west to discharge to Ruddle Dike.

Phases 2-4 are to be pumped from the north east corner of the site where an attenuation feature is to be located, to the 90 degree bend described above.

Severn Trent have commented on the original application stating that they have no objection, subject to a condition requiring the submission of drainage details.

Phase 1 of the development includes the provision of a pumping station to be located in the north eastern corner of the site. This will only be located here temporarily until such time as the SUDS pond is constructed in the north eastern corner of the wider site, and then it will be moved adjacent to the SUDS pond to serve the entire development. The pumping station is for foul sewage only.

The Council's Drainage Engineer has no objections to the application regarding drainage or flood risk subject to the recommended conditions being attached to any permission given. A planning condition can also be attached to any approval to require the submission of finished floor levels.

There have been numerous objections to the application on the grounds of flooding. An objection on flooding was originally received from Doncaster Metropolitan Borough Council, however they have been re-consulted on the amended proposal and now stated that they have no issues from a flood risk point of view, as the proposal would not increase the flood risk outside the site.

Tickhill Town Council, Stainton Parish Council and Maltby Town Council have all raised specific issues regarding drainage and flooding which are summarised above in the report and which describe the flooding downstream that affects areas outside the Borough as well as within. The Council's Drainage Engineer has responded to the issues raised and notes that the downstream flooding is not in dispute but that there is no requirement for a development to alleviate downstream flooding, but it must not make that flooding worse. This is achieved by restricting runoff to greenfield rates and storing additional water on site to be released at the restricted rate. This is what is proposed by the drainage strategy at this site and is in accordance with local and national plans and policies. A drainage design in accordance with this strategy has been submitted for Phase 1, but final details are subject to a proposed planning condition.

The Council's Drainage Engineer also adds that other routes raised as options are not feasible due to topography, and that drainage by gravity is preferred to pumped options.

Additionally these routes would add additional flows to catchments which currently receive no greenfield runoff from the site, increasing flood risk in those catchments.

Objectors state that the pipes will not hold sufficient water when faced with heavy rain periods which have caused flooding in the past. The Council's Drainage Engineer confirms that the drainage has been and will be designed to accommodate flow from a 1% (100 year) event, increased by a 30% allowance for climate change, which is the current design standard.

A further objection states that the assumptions made by Jones Homes on water run off have been proven to be incorrect by a local water engineer through Tickhill Council, although the Council's Drainage Engineer has confirmed that the assessment by the objector is incorrect.

A question is raised regarding the provision of a maintenance plan for Ruddle paper mill dyke to ensure that it does not flood. The Drainage Engineer notes that the drainage scheme will replicate natural runoff. It is not the responsibility of the Rotherham Council or the developer to manage an existing flood risk, which is not being increased.

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

Ecology/Biodiversity matters

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

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

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

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

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

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

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

Grange Quarter, part of Maltby Commons & Woods, abuts the eastern part of the application site and is Ancient Woodland and an identified Local Wildlife Site.

The Site Development Guidelines in the Sites and Policies states that *“This site adjoins a Local Wildlife Site (Maltby Commons and Woodlands LWS055). A 15 metre buffer with Maltby Wood will be required. Hedgerows should be retained where possible. A Phase 1 habitat survey was conducted in August 2014. Any mitigation measures should be incorporated into the development proposals.”*

The submitted Phase 1 Habitat Survey notes that there is potential for direct and indirect impact on Maltby Woods as it is in such close proximity, and it notes that the Woods are already well used by the public. As mitigation, and in accordance with the Site Development Guidelines, a 15m buffer from the Woods is to be provided in the form of meadow and shrub planting, with gardens backing onto the buffer strip. Fencing will be provided along the woodland edge on the eastern boundary to stop unauthorised access. This buffer would be maintained by the Management Company as part of the S106 Agreement.

Survey results show that there were no early bats recorded on site to indicate roost sites and only a low level of activity of bats. For this reason no mitigation for roosting habitat is required on site, however it would be good practice to incorporate bat roosting features into new properties. Bat Boxes should be provided within 3 properties on each phase.

Low numbers of birds were recorded on site, however mitigation should include bird nesting facilities on houses/garages.

The site does not contain features which would attract Great Crested Newts.

No badger setts or other field signs characteristic of badgers were recorded on the site or within 30m of the boundary.

The survey states that the remainder of the site has the same Ecological value, however a condition should be attached to ensure that an Ecology Survey is submitted for future phases with reserved matters applications.

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

The proposal includes areas of green open space and sustainable drainage methods are to be used. For this reason it is considered appropriate that the submission of details of the quality of soils on site and their movement and temporary storage during construction is conditioned to ensure that the character of the soil to be conserved is done so as part of a Construction Management Plan.

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

Landscape and trees matters

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

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

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

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

The site has been assessed as being of Medium Sensitivity to change and of Medium Capacity to accommodate residential development as part of the landscape capacity assessment undertaken by the Council in May 2012.

The Site Development Guidelines in the Sites and Policies Plan state that: *“A Landscape Assessment will be needed to assess and manage the impact of potential new development on the wider open countryside and on natural landscape features such as trees and hedgerows”.*

The Council’s Landscape Design Section has assessed the Landscape and Visual Assessment and is satisfied with the methodology used and largely concurs with the findings which are that there will be initial adverse effects arising from the development of this site, but that these effects can be effectively neutralized over time through the provision of the key landscape buffers and no build zones.

The proposal includes the implementation of a planted buffer along Grange Lane and Stainton Lane, and on the southern boundary of Phase 1 properties as part of the first phase of the development. A detailed landscape scheme has also been assessed as acceptable for the first phase for both the plots and the public open space areas.

The landscaping scheme for the whole of the site includes a 15m buffer along the eastern boundary of the site (within Phases 2 and 4), and a 5m buffer along the remainder of the southern boundary (within Phase 4.) Detailed landscaping schemes will need to be submitted with future phases of the development if approved.

Therefore the proposals are considered acceptable and compliant with relevant policies in the Local Plan and the NPPF.

In terms of the impact on trees, a tree survey was submitted in support of the planning application which shows that there are no trees present within the site, however there are some present on the boundaries, the majority being along the eastern boundary of the site. The Tree Services Manager does not raise any objection to the proposals stating that the scheme can be achieved without damage to the neighbouring off site trees, whilst the proposed tree planting on site has the potential to radically improve tree cover in this location.

The proposal is therefore considered acceptable in this respect and in accordance with 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 respect to the above, supporting information was submitted with the application in relation to land contamination issues. The Council's Environmental Health Section have assessed the information and have commented that the site comprises agricultural land, and that no industrial land uses have taken place at the site or on adjacent surrounding land that could give rise to significant land contamination.

Tests carried out on the site conclude that the site is not affected by contamination and that there is very low risk to the future users of the site from potential site contamination. If planning permission is granted conditions are recommended to ensure that any risks for future users is minimised.

A noise assessment report was submitted in support of the application, which has been assessed by the Environmental Health Section who note that the daytime and night time noise levels have been calculated for the site. BS8233:2014 noise criteria has been used to achieve the recommended internal and external noise levels for each of the dwellings to be erected depending on their location on the site.

It is therefore recommended that mitigation measures proposed within the Noise Assessment are carried out within the development so that the proposal is acceptable. The mitigation includes the inclusion of the high glazing specification at some plots, and well as an acoustic fence at Plot 1.

In general amenity terms the Environmental Health Section note that the site is adjacent to residential properties and is some distance away from any major noise sources. They note that there is potential for disamenity to occur for existing residents from noise during the construction phase and the working hours of the construction work and machinery used on site and dust and mud from the excavation of the land, construction work and traffic flow of lorries entering and exiting the site and should be controlled by condition. Due to the level of development proposed it is considered appropriate that a condition is attached to any planning permission to require the submission of a Construction Management Plan to control such issues.

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

The site is not within an Air Quality Management Area. And the Council's Air Quality Officer notes that that Rotherham's Delivering Air Quality Practice Guidance, along with one of the key themes of the NPPF, is that developments should enable future occupiers to make "green" vehicle choices and "incorporate facilities for charging plug-in and other ultra-low emission vehicles". Whilst the Air Quality Assessment did not make any recommendations, it is considered that electric vehicle recharging provision should be provided as part of the scheme as there will be significantly increased demand in future years during the lifetime of this development.

It is therefore recommended that if planning permission is granted a condition is attached requiring the submission of details of electric charging points to be provided. Additionally, and as detailed above, a contribution of £500 per dwelling is to be made towards sustainable transport measures.

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

Impact on existing /proposed residents

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

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

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

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

It is noted that there are existing residential properties along the southern boundary of the application site. In terms of the amenity of nearby residents, the site adjoins the rear gardens of existing residential properties on Holiwell Close, Malwood Way and Springwell Close, many of which are bungalows.

Objections have been received from local residents regarding the impact that the development would have on them in terms of overlooking and loss of privacy, especially as the proposed houses are two storey when many of the existing houses are bungalows. Residents have also stated that a 7m planted buffer should be provided between themselves and the new development as promised by the developers.

It is acknowledged that the proposal would lead to the development of houses in an area where there is currently no development, however the dwellings proposed to be located along these boundaries all achieve the minimum separation distances from the existing

dwellings, having back gardens with a minimum length of 10m, and achieving the 21m separation distance between rear elevations of properties. In the south western corner a property is proposed to be sideways onto the existing property, and there is 15m separation distance. The applicants have submitted a section through this plot showing the 25 degree rule line. As a result of this the application was amended to provide a hipped roof on the proposed dwelling to ensure compliance with the 25 degree line and to ensure an appropriate level of residential amenity is maintained for the existing residents.

For this reason the proposal is not considered to significantly adversely impact on the privacy of existing residents being compliant with spacing standards, nor are they considered to be overdominant.

The proposal includes a 5m planted buffer between existing and proposed gardens which will be maintained by the Management Company. It is considered that this further reduces the impact of the proposed development adjacent to existing residents. It is not considered reasonable or necessary to increase this buffer planting width to 7m as suggested by the objectors.

Objections have been received in relation to loss of views, however this is not material planning considerations.

With regard to the impact of the proposal on the amenity of future residents of the development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for the size of rear gardens. All the dwellings achieve the minimum garden size laid out in the SYRDG.

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

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

Heritage issues

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

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

NPPF paragraph 196 states that: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

It is noted that the site is not located within or adjacent to a Conservation Area. A desk based study submitted with the application has identified five designated heritage assets within 1km of the site, which include three Grade II Listed buildings at Lambcote Grange 300m to the north of the site within Doncaster Borough.

The study concludes that; "the proposed residential development will not impact upon the associative historical values of the three listed buildings at Lambcote Grange, nor will there be any impact upon their evidential values. It is considered that the development would result in a moderate visual change resulting in a low-moderate adverse impact to the aesthetic value of the Grade II Listed Lambcote Grange Farmhouse and a minor adverse impact to the aesthetic values of the Grade II Listed Barn Range and Farmbuilding. The contribution of the wider, visual setting to the significance of the Lambcote Grange farm complex is considered to be low. This visual impact will be minimised by the inclusion of a landscape buffer around the relevant edges of the proposed development area. It is the illustrative historical value that forms the most important components of the significance of these assets, that is the interrelationship between the various structures within the site, and this will not be impacted upon as a result of the proposed development. It is concluded that the proposed development would cause considerably 'less than substantial harm' to the significance of the Grade II Listed Structures within the Lambcote Grange farm complex."

The listed building complex at Lamcote Grange is separated from the proposed development by a field and the proposal includes a 15m planted buffer to be provided along the northern boundary of the site. Due to the distance between the site and the Listed Buildings and the proposed additional buffer planting, and taking into account the scheme would provide much needed housing on this allocated site, the proposal is considered to be acceptable in terms of its impact on the 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 require the proposal to be supported by a Heritage Statement for Archaeology, which was submitted. South Yorkshire Archaeology Service (SYAS) note that there is a high archaeological potential on this site, and development of the site will damage or destroy the below-ground archaeology. Therefore trial trenching of the Phase 1 development area has been undertaken, and it is proposed that archaeological evaluation is carried out on the remainder of the site prior to the submission of any reserved matters applications.

With this in mind it is considered that the proposal is in accordance with the above Local Plan policies, subject to the relevant condition.

Affordable Housing provision

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

The applicant has stated that due to additional costs required in Phase 1 of the development it is not viable to provide 25% affordable homes on this first phase – and that as such only 5% provision would be made within Phase 1 (equivalent to 5 dwellings). However they are proposing to provide more affordable units on the remaining phases so that the provision on the whole of the site meets the 25% policy requirement.

Whilst the provision of 5 affordable units within Phase 1 of the development is below policy requirements, it is accepted the latter phases will include higher percentages of affordable homes so that the development of the whole site is in compliance with Local Plan policy CS7. This would be secured through a S106 Agreement.

Impact on Education/GPs

With regards to GP Surgeries, the NHS have stated that there is enough primary care provision in the area to support Phase 1, although they may need to look at the capacity in relation to the whole site. The NHS have been asked to quantify any issues in capacity they may have and provide evidence at this point when the application is under consideration. They have not provided any further information.

However, it should be recognised that the process to allocate this site has taken place over a number of years with many rounds of public consultation, and infrastructure providers were involved in the process in order that they could align their service and delivery plans to the provision of residential development to be generated by the site.

With regards to the impact on schools, the Education Service notes that the Maltby Academy has been oversubscribed in recent years. As there is insufficient capacity in local schools for new children moving into this new housing development the developer will be required to pay a financial contribution for educational purposes via a S106 Legal Agreement.

In accordance with the Education Service policy the contribution towards Education would be £2,521 per dwelling, excluding affordable housing units.

Other Comments made by objectors

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

Planning Obligations

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

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

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

All of the tests must be complied with and the planning application must be reasonable in all other respects. This is echoed in Paragraph 56 of the NPPF.

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

- 25% provision of on site affordable housing.
- A contribution of £15,000 towards Bus Stop improvements
- Commuted sum of £500 per dwelling towards sustainable transport measures
- Establishment of a Management Company to manage and maintain the areas of Greenspace, including the proposed LEAP, LEP and buffers.
- Education contributions (£2,521 per open market dwelling)
- Contribution of £75,000 towards MOVA system (Microprocessor Optimised Vehicle Actuation) to control the signals at Queens Crossroads.

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

Conclusion

The site was previously allocated for Green Belt purposes in the adopted UDP but that Plan has been replaced with the Sites and Policies Document (forming part of the Local Plan) that was adopted on 27 June 2018. The Sites and Policies Document removed the site from the Green Belt and allocated it for 'Residential' purposes. It forms the Housing Site H69 and is located within a suitable distance from Maltby Town Centre, with many facilities. As such, the proposal is acceptable in principle.

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

Overall the scheme is considered to be in accordance with the development plan and with the policies in the NPPF. As such, the proposal is recommended for approval, subject to the signing of a S106 legal agreement as set out above and to the following conditions.

Conditions

Conditions relating to Phase 1 – Full Planning Permission

Article 35 of the Development Management Procedure Order 2015 requires that, where planning permission is granted subject to conditions, the decision notice must state clearly and precisely the full reasons: (i) for each planning condition; and (ii) in the case of each pre-commencement condition, for the condition being a pre-commencement condition. The reasons for each condition are provided below. Conditions numbered 6,10 and 24 of the

full permission are pre-commencement conditions (since they require matters to be approved before development works begin). These are justified as being pre-commencement conditions because:

i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre- determination.

ii. The details required under condition numbers 6, 10 and 24 of the full permission are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

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

2557-PL01 Site Location Plan (Phase 1) Rev B

2557-PL03 Proposed Site Plan Rev Z9

2557-PL07 Street scene A Rev D

2557-PL08 Street scene B Rev F

2557-PL09 Building height parameter plan Rev A

2557-PL10 Material schedule parameter plan Rev F

2557-SK14 Indicative Layout to the north-east of Phase 1

2557-SK20 Schedule of Accommodation - Phase 1

2557-SK22 Boundaries Treatment Plan Rev A

2557-SK24 cross sec-plot 17 & 18 Holiwell Close

Pumping Station Control Panel Kiosk and Storage Kiosk 28161/GA/0010 Rev A01

Pumping Station Site Compound 28161/SL/0020 Rev A01

Surface Water Routing Plan 10064-SK03 Rev F

House Type Plans

2557-PL203 Prop. elev. and floor plans-Banbury - hipped Rev E

2557-PL204 Prop. elev. and floor plans-Banbury - gabled Rev E

2557-PL205 Prop. elev.-Stratton - hipped Rev E

2557-PL206 Prop. elev.-Stratton - gabled Rev D

2557-PL207 Prop. floor plans-Stratton Rev C

2557-PL214 Prop. elev. and floor plans-Davenham - hipped Rev D

2557-PL215 Prop. elev. and floor plans-Davenham - gabled Rev B

2557-PL216 Prop. elev. and floor plans-Thornton & Birch Rev B

2557-PL218 Prop. elev. and floor plans-Cranford Rev C

2557-PL219 Prop. elev.-Chelsea Rev B

2557-PL220 Prop. floor plans-Chelsea
 2557-PL221 Prop. front elev.-Chel-Ches-Win-Chel Rev B
 2557-PL222 Prop. rear elev.-Chel-Ches-Win-Chel Rev A
 2557-PL223 Prop. side elev.-Chel-Ches-Win-Chel Rev A
 2557-PL224 Prop. ground floor plan-Chel-Ches-Win-Chel Rev A
 2557-PL225 Prop. first floor plan-Chel-Ches-Win-Chel Rev A
 2557-PL226 Prop. SecondFloor Plan -Chel-Ches-Win-Chel Rev B
 2557-PL227 Prop. front elev.-Chel-Ches-Win Rev B
 2557-PL228 Prop. side and rear elev.-Chel-Ches-Win Rev A
 2557-PL229 Prop. ground floor plan-Chel-Ches-Win Rev A
 2557-PL230 Prop. first floor plan-Chel-Ches-Win Rev A
 2557-PL231 Prop. second floor plan-Chel-Ches-Win Rev B
 2557-PL232 Prop. elev. and floor plans-Garages Rev A
 2557-PL235 Prop. elev. and floor plans with Cons-Stratton - hipped Rev B
 2557-PL237 Prop. elev. and floor plan-Banbury – hippedhanded Rev C
 2557-PL238 Prop. elev. and floor plan-Banbury – gabledhanded Rev D
 2557-PL239 Prop. elevations and -Stratton - hipped- handed Rev E
 2557-PL240 Prop. elev. and -Stratton - gabled- handed Rev C
 2557-PL241 Prop. floor plans-Stratton- handed Rev D
 2557-PL242 Prop. floor plans with cons -Stratton Rev C
 2557-PL248 Prop. elev. and floor plans-Davenham- Gabledhanded Rev B
 2557-PL251 Prop. elev. and floor plans-Davenham- Hippedhanded Rev A
 2557-PL252 Prop. elev. and floor plans-Bayswater- Hipped Rev B
 2557-PL253 Prop. elev. and floor plans-Bayswater- Hipped - handed Rev A
 2557-PL255 Prop. elev. and floor plans-Bayswater- Gabled - handed Rev B
 2557-PL256 Prop. elev. and floor plans-Hollin- Hipped – side aspect Rev A
 2557-PL257 Prop. elev. and floor plans-Hollin- Hipped – side aspect - handed Rev A
 2557-PL260 Prop. elev. and floor plans-Hollin- Gabled Rev A
 2557-PL261 Prop. elev. & floor plans-Birch- (as & handed) Rev A
 2557-PL263 Prop. floor plans-Bowdon- handed Rev A
 2557-PL265 Prop. floor plans-Bowdon- handed with conservatory
 2557-PL266 Prop. elev.-Bowdon- handed with conservatory Rev A
 2557-PL267 Prop. elev. Bentley Gabled Rev A
 2557-PL269 Prop. floor plans-Bentley (As) Rev A
 2557-PL270 Prop. Elev Bowdon Handed Rev B
 2557-PL271 Prop. elev. & floor plans-Hollin - Hipped - with bay window Rev A
 2557-PL272 Prop. elev. & floor plans-Hollin - Hipped - handed - with bay window Rev A
 2557-PL273 Prop. floor plans-Birch - Cranford - Cranford
 2557-PL274 Prop. elev.-Birch - Cranford - Cranford Rev A
 2557-PL275 Prop. elev. & floor plans-Banbury - gabled - handed - with conservatory Rev A
 2557-PL278 Prop. elev. and floor plans-Banbury- Hipped – side aspect Rev A
 2557-PL279 Prop. elev. and floor plans-Banbury- Hipped – side aspect - Handed

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details on the approved Material schedule parameter plan 2557-PL10 Rev F. Prior to the commencement of any overground development samples of the materials shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in

accordance with the approved details/samples.

Reason

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

04

The boundary treatment shall be provided on site in accordance with the approved Boundaries Treatment Plan 2557-SK22 Rev A The approved boundary treatment shall be implemented prior to the occupation of each dwelling.

Reason

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

05

Details of the proposed entrance features shall be submitted to and approved by the Local Planning Authority prior to its construction and the approved details shall be implemented.

Reason

In the interests of visual amenity.

Transportation/Sustainability

06

Prior to the commencement of the development, details of the proposed works shown in draft form on Drg No 8052-002 Rev B to Grange Lane / Stainton Lane which include the provision of a gateway scheme, footway / cycleway on the site frontage, footway improvements to the bus stop opposite, street lighting, lining, pedestrian refuge, signage and speed reduction scheme shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development.

Reason

In the interest of highway safety.

07

Before the development is brought into use, that part of the site to be used by vehicles shall be properly constructed with either a/ a permeable surface and associated water retention/collection drainage, or b/ an impermeable surface with water collected and taken to a separately constructed water retention / discharge system within the site. All to the satisfaction of the Local Planning Authority and shall thereafter be maintained in a working condition.

Reason

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

08

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.

09

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

Reason

In the interest of highway safety.

10

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

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

11

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

Reason

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

Contaminated Land

12

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

Reason

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

13

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

Reason

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

Ecology

14

No direct access shall be created from the rear boundary of the residential plots into the buffer planting area to the south of the site, and the buffer planting area shall be gated at either end.

Reason

To prevent unauthorised access in the interests of general amenity.

15

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

Reason

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

Landscaping and Trees

16

Landscaping for buffers and plots for Phase 1 of the site as shown on the approved landscape plan (Weddle Landscape Design drawing no. 587/GLM09 Revision A & 587/GLM11 Revision A and approved phasing plan BE1 Architects Ltd drawing no. 2557/SK13 Revision C) shall be carried out during the first available planting season after first occupation of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

17

Landscaping to public open space areas for Phase 1 of the site as shown on the approved landscape plan (Weddle Landscape Design drawing no. 587/GLM10 Revision A) shall be carried out during the first available planting season after occupation of the 75th dwelling. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

Play Area

18

Details of the proposed LEAP shall be submitted to and approved in writing by the Local Planning Authority. The detail shall include the following –

- a minimum of 6 items of play equipment
- boundary treatment
- seating
- litter bins
- signage

The approved LEAP details shall be provided on site prior to the occupation of the 75th dwelling.

Reason

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

Levels

19

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

Reason

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

Drainage

20

Prior to the commencement of construction of roads or dwellings a foul and surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus 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.

21

Prior to the commencement of construction of roads or dwellings a flood route drawing for the site 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. The approved details shall be implemented prior to the first occupation of the development.

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.

22

On the completion of the 75th dwelling, a timetable for the removal of the temporary pumping station facility, including associated equipment/kiosks and any boundary treatment, shall be submitted to and approved in writing by the Local Planning Authority. The removal shall take place in accordance with the approved timetable.

Reason

In the interest of visual amenity in accordance with the NPPF and the Development Plan.

Noise

23

The recommended mitigation measures included in chapter 7.0 and 8.0 of the Noise Report dated November 2016 shall be implemented before each dwelling is occupied and thereafter retained/maintained.

Reason

In the interest of residential amenity of the future occupiers of the dwellings.

Archaeology

24

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

- The programme and method of site investigation and recording.
- The requirement to seek preservation *in situ* of identified features of importance.
- The programme for post-investigation assessment.

- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

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

Reason

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

Conditions relating to Phases 2, 3 and 4 – Outline Planning Permission

General

01

a. Application for approval of reserved matters must be made within the following time periods (respectively):

Phase 2 – 3 years

Phase 3 – 4 years

Phase 4 – 5 years

of the date of this permission.

b. The development hereby approved must be begun not later than whichever is the later of the following dates:

I. The expiration of five years from the date of this permission; OR

II. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

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

02

Before the commencement of the development within each Phase, details of the layout, scale, appearance, access and landscaping of the site shall be submitted to and approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

No details of the matters referred to having been submitted, they are reserved for the subsequent approval of the Local Planning Authority.

03

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)

2557-SK21 Site Location Plan (Wider Site)

2557-PL02 Indicative Masterplan Rev L
2557-SK23 Managed Areas Plan A
2557-PL04 Constraints & Opportunities
2557-PL05 Access & movement parameter plan Rev A
2557-PL06 Open space & Green amenities parameter plan Rev A

Reason

To define the permission and for the avoidance of doubt.

04

The development shall be carried out in accordance with the approved Indicative Phasing Plan 2557-SK13 Rev C.

Reason

To ensure the implementation of a phased scheme of development.

05

Reserved matters applications for each phase shall include the following information –

- Noise Assessment Report
- Boundary Treatment Plan
- Construction Management Plan
- Ecology Report
- Design and Access Statement
- Building Height Parameter Plan
- Details of public open space and play areas
- Travel Plan
- Details of Electric Vehicle Charging points
- Materials schedule
- Management Plan to show areas to be maintained by Management Company

Reason

To ensure a consistent and co-ordinated design approach, in the interests of the satisfactory function and appearance of the development.

06

Reserved matters application for Phase 4 shall include Vehicle Intervention measures at the point where the Maltby Public Footpath No.2 leaves the application site becoming Maltby Public Footpath No.18.

Reason

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

Transport

07

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

08

The site layout shall be designed in accordance with guidance from the South Yorkshire Residential Design Guide and Manual for Streets.

Reason

In the interest of Highway Safety

09

On site car parking shall comply with the Council's Car Parking Standards

Reason

In the interest of Highway Safety

Drainage

10

Prior to the commencement of construction of roads or dwellings in each Phase of the development a foul and surface water drainage scheme for that Phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before each phase of the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus 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.

11

Prior to the commencement of construction of roads or dwellings in each Phase of the development a flood route drawing for that Phase 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 each Phase of 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.

12

Prior to its construction, details of the relocated pumping station facility, including associated equipment/kiosks and its boundary treatment, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site.

Reason

In the interest of visual amenity in accordance with the NPPF and the Development Plan.

Landscaping

13

All applications for the approval of reserved matters for subsequent Phases of development shall have regard to the landscape masterplan (Weddle Landscape Design drawing no. 587/GLM08 Revision K) and where not detailed in the masterplan shall include a detailed planting plan for landscape buffers, public open space and plot landscaping. Such plans shall be prepared to a minimum scale of 1:200 and shall clearly describe:

- 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 for the lifetime of the development 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 and in accordance with the appropriate standards and codes of practice within a timescale agreed, in writing, by the Local Planning Authority.

Reason

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

Land Contamination

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. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

Reasons

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

15

Prior to occupation if subsoils / topsoils are required to be imported to site for soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of testing will need to be presented in the format of a Validation Report.

Reasons

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

Ecology

16

A buffer area with a minimum width of 15m shall be provided along the eastern boundary, and a 5m wide buffer shall be provided along the southern boundary of the application site, and they shall be retained in perpetuity.

Reason

To provide a buffer between the built development and the wood in interests of ecology, and between the built development and existing houses in the interest of amenity.

17

Details of fencing along the eastern boundary of the site adjacent to the wood shall be submitted for approval of the Local Planning Authority, along with a timetable for its implementation. The approved fencing shall be erected in accordance with the approved timescale.

Reason

To limit access points in to the woods in the interest of ecology.

Archaeology

18

Prior to the submission of any reserved matters application, an archaeological evaluation of the application area will be undertaken in accordance with a Written Scheme Of Investigation that has been submitted to and approved in writing by the Local Planning Authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ will be approved in writing with the Local Planning Authority and then implemented.

Reason

To ensure that the site is archaeologically evaluated in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters and to comply with policies SP 42 and SP 43 of the Rotherham Local Plan.

Informatives:

01

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

02

Wildlife Legislation

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

03

Lighting

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

04

Nesting bird

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

05

Badgers

There was no evidence or characteristic signs of badger or their setts within the site or immediately surrounding the site. Due to their potential presence within the wider area, highly mobile nature of the species and readiness of which they can establish setts it is recommended that precautionary pre-commencement development checks are undertaken. The site and an area of 30m around the site will be surveyed for the possible presence of badger setts immediately prior to commencement of construction.

06

Severn Trent

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

07

You should note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust which may arise during the construction phase. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in the Magistrates'

Court. It is therefore recommended that you give serious consideration to reducing general disturbance by restricting the hours that operations and deliveries take place, minimising dust and preventing mud, dust and other materials being deposited on the highway.

08

Landscape Management Plan.

This may be expected to set out, graphically and / or in writing, the overall functional and aesthetic objectives of a landscape scheme and the steps such as legal arrangements including ownership and management responsibilities, planned maintenance tasks, phased works, and monitoring procedures that will be taken after implementation to ensure that the scheme establishes successfully and is sustainable in the long-term.

09

Archaeological fieldwork directive.

This directive is appropriate where there is a need to emphasise pre-application or pre-commencement requirements. Particular circumstances may include sites where significant groundworks are required prior to development construction or, as here, where pre-application investigation is required.

Directive

"The applicant is advised that agreement "in principle" of a Written Scheme of Investigation (WSI) with South Yorkshire Archaeology Service does not preclude the need to formally submit the agreed WSI to the LPA, under condition number 18 of the outline permission. Undertaking any site works before this has been done - and the WSI approved in writing by the planning case officer - may result in formal enforcement action."

10

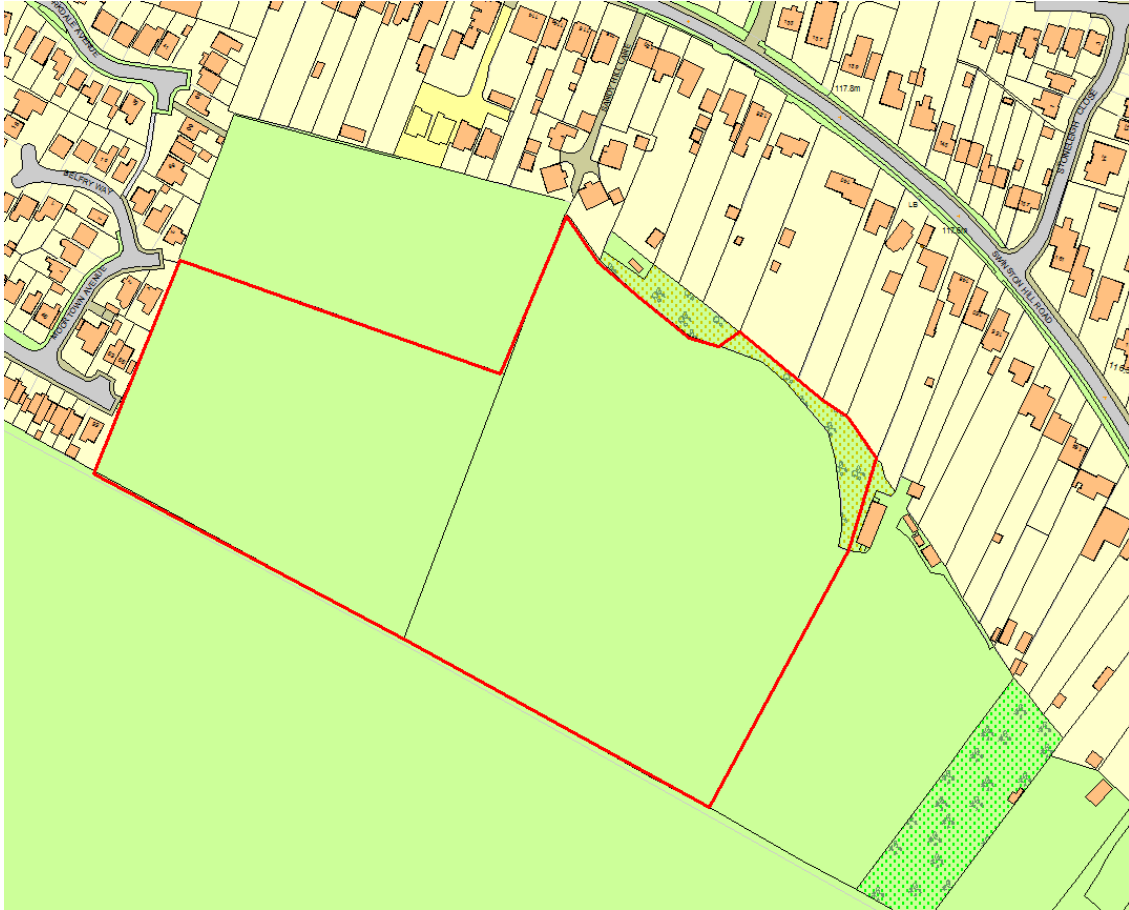
Traffic Regulation Order - The applicant would need to enter into separate discussions with the Council's Transport Unit in relation to the proposed change in speed limit on Grange Lane.

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.

Application Number	RB2019/0837
Proposal and Location	Erection of 157 no. dwellinghouses, new access, car parking, landscaping and public open space, including 3m high fence at land East of Wentworth Way, Dinnington
Recommendation	<p>A. That the Council enter into a deed of variation to the legal agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • 39 affordable housing units (25% of total units proposed) on site • Financial contribution of £78,500 towards sustainable travel measures to support the development • Financial contribution of £72,338 towards improvements to the adjacent public open space to support the development • Financial contribution of £1,500 towards the installation of two kissing gates on adjacent footpath • Establishment of a Management Company to manage and maintain the areas of Greenspace on site. <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

This application is being presented to Planning Board as it is a 'Major' application.



Site Description & Location

The application site is approximately 3.97 hectares in area and comprises of two gently undulating rectangular fields of arable farmland used to grow wheat. The two distinct fields that form the site are divided by an intermittent hawthorn hedgerow running north to south. The north-east boundary is formed by dense scrub and residential garden hedges, while the north-west boundary is formed by a defunct fence that now consists of a row of concrete posts that separate the site from a mown grass recreation area. The eastern boundary is also formed by residential garden hedges. Immediately off-site at the north-east corner of the site is a corrugated steel-clad barn.

The site falls gently from north-west to south-east and is sited to the south-east of Wentworth Way and south of Swinston Hill Road.

The site is on the eastern edge of Dinnington and is bound to north partly by the rear of properties that front on to Swinston Hill Road and partly by the edge of an area of land that is to be retained as greenspace, to the east by the remainder of the land allocation, to the south by agricultural land within the Green Belt and to the west by the rear of existing properties that are served from Moortown Avenue, Wentworth Way and Birkdale Avenue.

There is an existing field access into the site off Wentworth Way and there is a track from Swinston Lane that leads into the greenspace to the north of the site.

There is a designated Public Right of Way (PROW) along the southern boundary of the site (Dinnington Footpath No. 13), a further adopted PROW is located to the north of the adjacent public open space (outside of the application site boundary) which runs along the rear of properties on Swinston Hill Road then up Sandy Hill Lane to join Swinston Hill Road between nos. 118 and 120 (Dinnington Footpath No. 16 and Dinnington Footpath No. 18).

Background

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

EIA screening opinion

The proposed development falls within the description contained at Paragraph 10 (b) of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 2017 and meets the criteria set out in column 2 of the table in Schedule 2 i.e. the number of dwellings proposed exceeds 150. However, the Borough Council as the relevant Local Planning Authority has taken into account the criteria set out in Schedule 3 to the Regulations and it is considered that the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size and location.

Accordingly, it is the Local Planning Authority's opinion, that the proposed development is not 'EIA development' within the meaning of the 2017 Regulations.

CIL

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

Proposal

The proposed development is for 157 dwellings including a new access road, landscaping and open space.

The initial scheme was for 159 dwellings but 2 had to be omitted due to the requirements of Highways to provide appropriate turning facilities.

Vehicular access into the proposed development will be taken from Wentworth Way at the western end of the proposed development. The existing carriageway and footways will be extended into the development to link with the proposed estate road network. The proposed access point will result in the extension of Wentworth Way that will lead from the eastern boundary of the site through the site from west to east and allows access to the remainder of the allocation to the east.

Footpath links are proposed to the north into the retained area of greenspace and to the south which will link into the existing adopted PROW that follows the southern boundary of the development (Dinnington Footpath No. 13).

The height of the proposed dwellings ranges from 2 to 2.5 storeys, and will consist of a mix of detached, terraced and semi-detached properties of a range of two, three and four beds.

A total of 39 semi-detached / terraced units will form the affordable housing provision, 16 of these units will be Starter Homes available to first time buyers.

Dwellings with 1 or 2 bedrooms will have a total of 1 car parking space per unit and dwellings with 3 or 4 bedrooms will have 2 car parking spaces per household in order to reduce on-street parking.

The dwellings have been arranged in a variety of build lines and setbacks from the street, with modern elevation styles and fenestrations.

There will be a mixture of single, double and twin garages throughout the site. The garages will be of a similar design and size.

The proposed scheme incorporates native tree planting, screening planting, hedgerow planting, naturalistic native shrub and structural planting, amenity and meadow grassland planting, and management of the existing hedgerows.

The scheme will have a variety of boundary treatments which will include:

- 1.8 metre high brick wall on boundaries of gardens fronting the street
- 3 metre high timber fence on part of the eastern boundary in the north-east corner
- 1.8 metre timber fence between properties
- 1 metre high railings adjacent grassed areas
- 1 metre post and rail fence adjacent green spaces
- 450mm knee high rail

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

Design and Access Statement

The statement provides information on the site, the local area and the proposal.

Planning Statement

The statement provides details on the site, the proposal, planning policy response and details of the planning assessment in respect of various considerations.

Ecological Impact Assessment

The assessment notes that Swinston Hill Woods, located approximately 500m from the south-east boundary of the site, is a Local Wildlife Site designated for its ancient replanted limestone woodland and the proposal is likely to result in a slight rise in individuals using the woods, which could potentially increase pressure on ground flora. However the assessment notes that the small increase in use is unlikely to significantly affect the nature conservation value of Swinston Hill Woods.

The assessment further states the hedgerows and scrub within the site provide opportunities for nesting birds. The arable land within the site may also provide opportunities for ground-nesting species such as skylark and/ or lapwing depending on the crop and prevailing management at the time. However, given the habitats present, and relatively small size of the site, the breeding bird assemblage likely to be present is considered to be of less than local importance.

Furthermore, the proposed development would result in the loss/ partial loss of these habitats during the construction phase. Therefore, efforts will be made to undertake vegetation clearance works outside of the bird breeding season (which extends between March to August inclusive).

Finally, many of the new residents will plant trees and shrubs within their gardens, and some are likely to erect nest boxes and/ or set up wild bird feeding stations. Once gardens, and the plantings within them, have matured, it is therefore considered likely that the site will be of similar value to nesting birds as it is currently, albeit the assemblage/ species mix will be different, as some species will benefit and others are likely to be adversely affected. Accordingly a neutral impact upon birds is predicted and there will be no contravention to wildlife legislation.

Landscape and Visual Impact Assessment

The objectives of the LVIA is to assess the landscape character of the site and its surroundings and to consider the landscape and visual qualities of the site, its function in the landscape and its contribution to the wider landscape.

The assessment concludes the proposed development would be seen in context with the surrounding residential properties to the north and west and would result in effects which are largely localised to short range views to the south and west as demonstrated within this LVIA.

In addition, protection and enhancement of the most significant landscape features, which provide some visual containment and are characteristic of both national and local character, combined with a robust landscape framework which would provide landscape and biodiversity enhancements, would result in a long-term neutral to minor beneficial effect on significant landscape features, a neutral effect on landscape character areas, a minor adverse to neutral visual effect, and a positive response to landscape related policy at national and local levels.

Tree Survey

The survey confirms that there are 34 items of woody vegetation on and around the site, comprised of 25 individual trees and 9 groups of trees or shrubs / hedge groups. All those surveyed are retention category 'C' trees.

The survey further confirms that the central area of the site has no significant trees and is free of any significant arboricultural impacts from any new development.

It recommends that where suitable those category 'C' trees and groups with reasonable future prospects should be retained as part of any new development and those of lower value can be removed and mitigated with replacement planting. It also recommends that the retained trees should be protected by appropriate fencing during construction works.

Geophysical Survey

The survey aims to provide additional information on the known archaeology within the area.

The survey indicates that within the survey area, ferrous, agricultural and geological anomalies have been identified within both Fields 1 and 2, and strong background magnetic material and the presence of dumped material across the site make definitive interpretation difficult. Furthermore, the presence of tentative responses that correspond with infilled soil features are also noted within the data and would appear to predate the modern field boundaries and may be an older system of field division, perhaps Romano-British in origin.

The survey concludes that overall the archaeological potential of the site, based on the geophysical survey results, is deemed to be medium.

Flood Risk and Drainage Strategy

The report confirms that the site falls within Flood Zone 1, and the site and surrounding area would be at low flood risk following development. Furthermore, a drainage strategy has been proposed to deal with both foul and surface water.

Geo-environmental Report

The report confirms that the site can be considered to present a negligible risk to human health. The in-situ topsoil and sub-soil materials are considered suitable for re-use within the proposed residential development. Furthermore, the site is considered to present a negligible risk to Controlled Waters and no remediation is considered necessary.

Statement of Community Involvement

The Statement outlines the consultation process that has taken place before the application was submitted. It provides details of the responses / comments received from members of the public and other local community groups and addresses the issues raised.

Transport Assessment

The TA has been prepared to consider the highways and transportation matters associated with the proposed development.

Analysis has demonstrated that the access point into the proposed development from the wider highway network and the simple priority junctions at Lakeland Drive and Wentworth Way / Turnberry Way are suitable to serve the level of development proposed and will both operate with significant spare capacity at a full Opening Year of 2025 and beyond.

The assessment has demonstrated that the proposed development will be accessible by foot, cycle and public transport to a wide range of local facilities and employment opportunities. In accordance with NPPF, this provides future residents with the choice to travel via alternative modes of transport and minimise trips by the private car.

The TA concludes that safe and suitable access to the proposed development can be achieved for all users and there will be no unacceptable impacts from the development on the transport network or on highway safety. Furthermore, the site is in a suitable location and therefore is compliant with NPPF in this regard. The implementation, maintenance and monitoring of a Residential Travel Plan at the proposed development will assist further in encouraging a modal shift to more sustainable forms of travel and there are no reasons on highways or transport grounds why the development proposals should not be granted planning permission.

Travel Plan

The TP aims to maximise the attractiveness of the development to potential residents by highlighting the accessibility of the site by a range of sustainable travel options; and minimise the effect of the development on the environment and the local highway network by promoting the use of these sustainable travel options ahead of less sustainable modes such as single person trips by car / van in the network peak hours.

Air Quality Assessment

The AQA has been undertaken to assess the potential air quality impacts associated with the proposed residential development. It concludes:

- During the construction phase through good practice and implementation of appropriate mitigation measures, it is expected that the release of dust would be effectively controlled and mitigated.
- Due to the low additional number of HGV trips anticipated during the construction phase of the development, there is predicted to be a neutral impact / insignificant effect on air quality from road vehicle emissions.
- The 'exposure assessment' screening indicates no likely exceedances at the Proposed Development.
- Additional development trips arising during the operational phase of the scheme are predicted to result in a negligible adverse impact on annual mean NO₂ and PM₁₀ concentrations at all considered sensitive receptors, with a maximum absolute predicted change in annual mean concentrations of +0.012µg/m³ and +0.03µg/m³ respectively. There is no predicted risk of exceedance of the 1-hour mean NO₂ or 24-hour mean PM₁₀ AQALs as a result of the development proposals. As such, the overall effect is considered to be 'not significant'.

As such, it is not considered that air quality represents a material constraint to the development proposals.

Development Plan Allocation and Policy

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

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

Local Plan policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS3 'Location of New Development'
CS7 'Housing Mix and Affordability'
CS14 'Accessible Places and Managing Demand for Travel'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscapes'
CS22 'Green Space'
CS25 'Dealing with Flood Risk'
CS26 'Minerals'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS33 'Presumption in Favour of Sustainable Development'
SP1 'Sites Allocated for Development'
SP11 'Development in Residential Areas'
SP26 'Sustainable Transport for Development'
SP32 'Green Infrastructure and Landscape'
SP33 'Conserving the Natural Environment'
SP35 'Protected and Priority Species'
SP36 'Soil Resources'
SP37 'New and Improvements to Existing Green Space'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP55 'Design Principles'
SP56 'Car Parking Layout'
WCS7 'Managing Waste in All Developments'

Other Material Considerations

National Planning Practice Guidance (NPPG)

National Planning Policy Framework: The revised NPPF came into effect in February 2019. 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.

Council's Adopted Parking Standards

South Yorkshire Residential Design Guide

Publicity

The application has been advertised by way of press and site notice along with individual neighbour notification letters to adjacent properties. 13 letters of representation have been received, including one from Dinnington Town Council.

The issues raised are summarised below:

- The infrastructure cannot accommodate the additional dwellings, schools are at capacity, health centres are struggling to cope and supermarket car parks are full.
- The access is unacceptable.
- Highway / Traffic issues.
- Increased pollution.
- Impact on wildlife.
- Unacceptable loss of agricultural land.
- Potential flooding issues.
- Construction issues in respect of traffic, noise and disturbance.
- If approved traffic calming measures should be put in place on Lakeland Drive.

The issues raised by the Town Council are summarised below:

- The proposal to use Wentworth Way as the only means of access to develop this site is completely unacceptable as this road is wholly unsuitable to the frequent movement of heavy vehicles that will be necessary for the 5 years of development.
- The proposal to extend and use Wentworth Way as the sole means of access and egress from this site after development is, again, unacceptable because the road is unsuitable for the additional several hundred vehicle movements per day that will inevitably arise from the 157 dwellings planned.

1 Right to Speak request has been received from the applicant.

Consultations

RMBC – Transportation Infrastructure Service: No objections subject to conditions.

RMBC – Affordable Housing Officer: The proposal will satisfy the Council's Affordable Housing Policy requirement.

RMBC – Tree Service: No objections subject to conditions.

RMBC – Landscapes: No objections subject to conditions.

RMBC – Drainage: No objections subject to conditions.

RMBC – Environmental Health: No objections subject to a condition to secure and agree a Construction Management Plan before works commence.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Education: Both the catchment area Primary and Secondary Schools are undersubscribed therefore no Education Contribution is required.

RMBC – Green Spaces: There is a requirement for a commuted sum to pay for improvements to the adjacent greenspace.

RMBC – Air Quality: No objections subject to conditions.

RMBC – Ecology: No objections subject to conditions.

RMBC – Public Right of Way: Dinnington FP 13 runs along the south of the site and Dinnington FP 18 touches the north corner of the site. Should a temporary closure be required during development, or a legal order to divert the paths, then that application should be made to the Council.

South Yorkshire Passenger Transport Service: No comments received.

The Environment Agency: No objections.

Severn Trent Water: No objections.

Sheffield Area Geology Trust: No objections.

South Yorkshire Archaeology Service: No objections subject to conditions.

SY Fire and Rescue: The proposal appears to be satisfactory in respect of Fire Service access to the new buildings, which should comply with the Building Regulations 2010, Approved Document B5 “Access and Facilities for the Fire Service.”

NHS: There will be enough GP capacity in the area to accommodate the potential residents.

SY Police Architectural Liaison Officer: No objections but have recommended how the site can achieve Secured by Design standards.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle
- Design, Scale and Appearance
- Impact on Highways
- Public Rights of Way
- Landscapes and Trees
- Ecology / Biodiversity
- Open Space Provision
- Drainage and Flood Risk
- General Amenity
- Air Quality
- Affordable Housing
- Education
- Minerals
- Land contamination, Coal Mining and Soil Resources

- Archaeology
- Other considerations

Principle

The site is identified in the Sites and Policies Document within Policy SP1 'Sites Allocated for Development' as Housing Site H81 (total area 7.45ha) and it indicates that the total site area has a capacity of approximately 243 dwellings.

CS1 'Delivering Rotherham's Spatial Strategy' states most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. Dinnington is identified as a 'Principal Settlement for Growth', which along with Anston and Laughton Common is proposed to provide 1,300 dwellings as part of the Local Plan.

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

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

The site is allocated Residential and as such the principle of residential development is acceptable and the 157 dwellings on the site is broadly in keeping with the indicative Sites and Policies Document figure allocation of 243 dwellings. This is due to the fact that this proposal only accounts for part of the whole residential allocation of H81 due the allocation being in several different ownerships.

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

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

Access to Community Facilities

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

development would place an unacceptable burden upon existing facilities, unless it can be demonstrated that such provision would not be viable or would threaten the viability of the overall scheme.”

The site would be sited within an appropriate distance to primary schools on Lidgett Lane and Park Avenue, community hall on Lidgett Lane / Swinston Hill Road junction and various shops on Lakeland Drive and Lordens Hill. As such the site is located within close proximity to a range of shops and services and would comply with the requirements of policy SP64.

The remainder of the report will focus on whether there are any other material planning considerations that would outweigh the presumption in favour of sustainable development.

Design, Scale and Appearance

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

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

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

In addition, CS21 ‘Landscapes’ states new development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. Furthermore, CS28 ‘Sustainable Design’ indicates that proposals for development should respect and enhance the distinctive features of Rotherham and design should take all opportunities to improve the character and quality of an area and the way it functions.

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

Having regard to the site layout, the applicant has developed a scheme to ensure that the whole housing allocation can be comprehensively developed to achieve the density required as part of the Sites and Policies Document allocation. This is by factoring in vehicle access routes into the eastern part of the housing allocation; as such the proposed development would not prevent further development.

The layout proposes one single access into the site from Wentworth Way which will be widened and improved from the current access. However, should the rest of the allocation be developed out in the future there is scope to create a further access onto Swinston Hill Road from the neighbouring site and this scheme has allowed for access into the adjacent allocated site.

With regard to the design of the dwellings it is considered that that they will be mostly gable roofed properties of two-storey height with some house types having rooms in the roofspace with dormers. Some house types have bay window features and those that have a dual aspect have habitable room windows overlooking shared areas. All dwellings have uniformed features in respect of heads and sills that would run through the scheme. There will also be a mixture of single and double garages throughout the scheme which will be of similar designs.

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

The scheme also includes some landscape details with boundary detailing, tree planting and front garden lawns and shared planting areas. This will help to break up the car parking areas and also provide a good and attractive landscaping throughout the site.

The development proposal has been designed to reflect the characteristics of the local area, in order to ensure that the development creates a natural extension to the settlement and produces an efficient arrangement that takes account of the site's constraints.

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. Furthermore, it is considered to accord with the general principles and goals set out in the NPPF and to be a well-designed scheme that respects the character of the immediate surrounding area. No precise details of materials have been provided at this stage, but the dwellings and garages in terms of size, scale, form and design would be standard house types and designs used by the developer on other similar sites and in general would be acceptable.

It is also considered that the proposed boundary treatment as set out in the submitted plans would be acceptable in respect of size, scale, form, design and siting.

Impact on Highways

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

CS14 'Accessible Places and Managing Demand for Travel' states the Council will work on making places more accessible and that accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel.

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

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

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

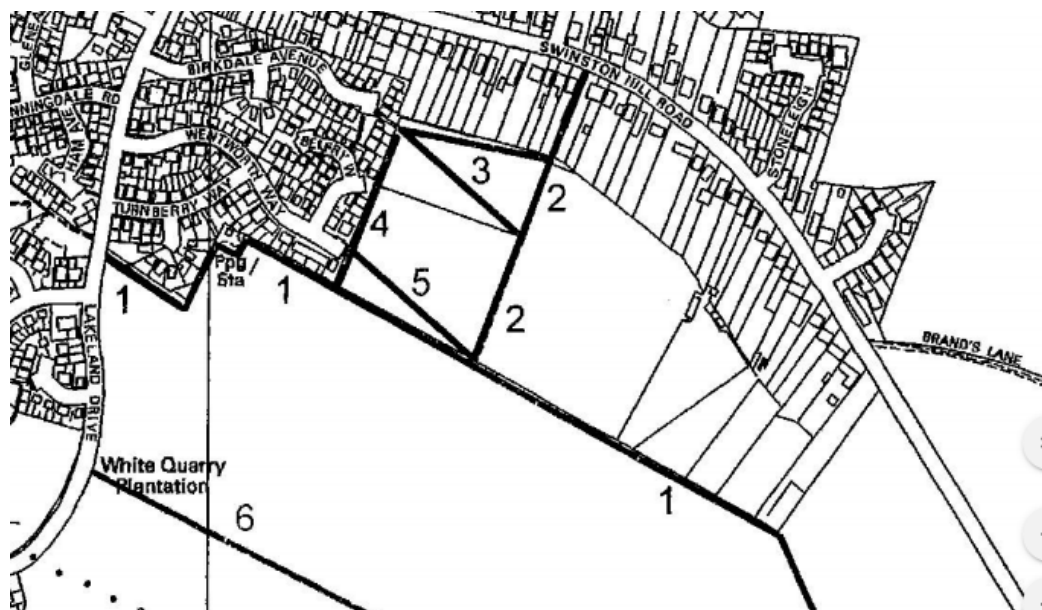
The proposed access arrangements into the site from Wentworth Way and on the estate road within the site, the proposed access into the neighbouring site, the turning heads within the site, and the level of car parking for each dwelling are all considered to be acceptable and would comply with the requirements outlined above. In addition, it is considered that the scheme would not significantly impact on the surrounding highway network through additional movements.

Furthermore, the applicant has submitted details of a proposed traffic calming scheme for Wentworth Way / Turnberry Way which seeks to reduce the speed limit to 20mph and have also confirmed that they will enter into a s106 agreement with the Council for £500 per dwelling towards sustainable travel contribution which equates to a sum of £78,500.

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

Public Rights of Way

It is noted that there are adopted PROWs to the southern boundary of the site (No. 1 on plan below = Dinnington Footpath No. 13) and to the north of the adjacent Greenspace (Dinnington Footpath N. 16), both of which sit outside of the application boundary. The Council's PROW officer states that there have been several footpath claims lodged with the Council, as set out below:



Footpath 3 is outside of the application site boundary, while footpaths 2 and 4 have been incorporated into the design of the scheme by continuing those routes to link with the adopted PROW which is Footpath 1 on the plan above.

Footpath 5 has not been directly incorporated into the development on the line shown above. A meeting was arranged on site which involved the Council's PROW officer, the applicant, their agent, along with the Chair of the Dinnington Town Council and a local resident who has registered the claims to discuss these claims.

Footpath 5 is affected by the development, however it is noted that access is accommodated within the adjacent highway and does not involve an unreasonable alternative. It should be noted that even if the route were a public right of way now there is nothing to stop the developer applying to divert the route. The PROW officer notes that the highway is not unreasonably far from the claimed line and that in all likelihood such an order would be confirmed.

The developer has provided several links from the scheme to Footpath 1 and they also have a link into the adjacent open space through the southern and western boundaries of the adjacent open space. In addition the applicant is happy to dedicate the footpath routes 2 and 4 as public footpaths in due course, and as these continue onto Council Land the PROW officer will ensure that the continuations are also dedicated as public footpaths.

The proposed access routes into the adjacent public open space and the other links into the adjacent footpaths have been provided in response to the Town Council and the local resident who registered the claims initially. It has been agreed that the proposed routes are acceptable to both parties and would satisfy the claimant, as two of the links provided were their suggestion.

It is of note that whilst footpath claims do not prejudice the planning decision, it is considered appropriate to make members aware of the situation.

Further to the above, the developer in discussions with the Council's PROW officer and the claimants has agreed to pay £1,500 for two kissing gates on the existing adopted Right of Way to the south of the site, this will be secured via a s106 payment. On receipt of the payment the Council's PROW department and Access Officer will have them installed to prevent motorbikes using the footpath.

Landscape and Trees

Policy CS21 'Landscape' states: *"New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes..."*

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

A broad assessment of the potential landscape capacity of the site to accommodate development was undertaken as part of the evidence base for the Local Plan which was adopted in June 2018. The Site Development Guidelines for H81 were prepared on the basis of this evidence. The site lies within the landscape character area 9a, East Rotherham Limestone Plateau, which is considered to be of moderate sensitivity to change. The site does not lie within a strategic Green Infrastructure corridor.

In respect of the LVIA submitted it is noted that the scope of the study at 3km is more than appropriate for a development of this scale and is informed by a zone of theoretical visibility (zTV). The judgements made in relation to landscape sensitivity, susceptibility, value and magnitudes of effects are reasonable and well considered and as such the conclusions of the report are supported.

Furthermore, the assessment of visual effects concludes that greatest adverse effects (moderate) would be limited to residents in locations in the immediate vicinity of the site (within 0.2km); this would reduce to minor or neutral effects by year 15. Wider or more distant adverse visual effects are expected to be negligible or neutral due to the screening presence of built form to the north and west, and the existing topography and vegetation (woodland) to the south and east.

It is noted that no landscape masterplan has been provided, however this will form the basis of a condition.

The Council's Landscape Design Team have stated that, with the exception of the masterplan, the proposed development from a landscape perspective, is considered to be compliant with policies CS21 'Landscape' and SP32 'Green Infrastructure and Landscape' and on that basis there are no landscape issues with the proposal.

In respect of trees, the development will introduce 128 proposed trees which will replace 8 individual and a group of trees. The Council's Tree Service have indicated that there is no objection in principle to the development as it will likely result in an improved level of tree cover to the area and the associated benefits this brings.

Furthermore, there is no objection to the trees proposed for removal, as they are predominantly young and low quality trees. However, it is noted that the retained trees will need to be protected throughout the development and no protection plan has yet been provided. Such a plan will need to show footpaths proposed adjacent to retained trees and how root protection areas will be protected from construction activity.

Accordingly, subject to suitable conditions the proposed development would have no adverse impact on retained trees and the proposed trees will greatly improve tree coverage in the area which will also provide additional ecological benefits.

Ecology / Biodiversity

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

Policy CS20 'Biodiversity and Geodiversity' states: *"The Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources ..."*

Policy SP33 'Conserving the Natural Environment' states: *"Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery..."*

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

It is noted that the submitted Ecological Appraisal assessed the impacts on Swinston Hill Plantation due to it being a Local Wildlife Site and approximately 400m of the site. It is considered that there may be a small impact in terms of increased human trampling from increased dog walking. It is considered that more could be delivered in terms of biodiversity enhancement such as planting native trees and shrubs, bat sensitive lighting and bat / bird boxes on properties.

In light of the above the planting of native trees and shrubs will be secured through the submission of a detailed landscape masterplan / scheme that has been recommended as a condition by Landscape colleagues. In respect of bat sensitive lighting an informative will be imposed in this regard and in terms of bat / bird boxes a condition will be imposed to require the submission of their details and positions within the site prior to the site being brought into use.

The applicant has confirmed that both the eastern and southern hedgerows are within their control. Further to this the southern boundary hedgerow and the hedgerow next to the plots 109-113 on the eastern boundary will be outside of back gardens and the Management Company employed by the developer will be responsible for the maintenance and upkeep of this. In addition, the hedgerow next to plots 108-82 will form part of their property boundary but the developer will ensure it cannot be removed and this will be stipulated in the deeds. Accordingly, these hedgerows can be gapped up and managed which will aid biodiversity enhancement.

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

The proposal includes areas of green open space and sustainable drainage methods are to be used. For this reason it is considered appropriate that the submission of details of the quality of soils on site and their movement and temporary storage during construction is conditioned to ensure that the character of the soil to be conserved is done so as part of a Construction Management Plan.

Therefore from the information provided and subject to conditions the proposal would not adversely affect biodiversity and will provide net gains for biodiversity. Accordingly, the scheme would be in compliance with paragraph 170 of the NPPF and Local Plan policies CS20 Biodiversity and Geodiversity'; SP33 'Conserving the Natural Environment' and SP35 'Protected and Priority Species'.

Provision of Open Space on site

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

Policy CS22 refers to detailed policies in the Sites and Policies Document that will establish a standard for green space provision where new green space is required.

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

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

The proposal comprises of 157 dwellings which triggers a requirement to provide new open space unless the new dwellings would be within 280 metres of an existing accessible open space (included within the Green Space Audit).

The quantitative standard for open space provision is set out in SP37 meaning that this development would require 8,635 sq. metres would need to be available.

The only existing audited green space within 280 metres of the development site is Swinston Hill recreation ground immediately to the north west. This site is approximately 12,500 sq. metres in size, and is allocated Green Space in the adopted Local Plan and falls outside of the applicant's ownership and is in control of the Council. The whole of the development site is within 280 metres of this recreation space. This space is a relatively featureless area of grass offering space for dog walking and informal recreation.

The nearest existing children's play area is at Dinnington Park, which is more than 400 metres away from the proposed development site. There are proposed to be informal areas of green space within the application site but these are limited in respect of the benefit they will bring to local residents and there is no proposed equipped play area within the site.

In order to satisfy the requirements of SP37 the developer has agreed to pay a commuted sum of £72,338 towards improvements to the adjacent public open space, including the provision of a children's play area, which will be secured via a S106 legal agreement. The commuted sum calculation would equate to £390.69 per unit x 157 units = £61,338 + £11,000 contribution to inspection and maintenance costs for the lifetime of the play area.

At the current time there is no information about what the play area will consist of but this will be agreed with the Council's Green Spaces department. However, a condition shall be imposed to ensure that this is agreed.

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

It is considered that by achieving improvements to the adjacent public open space it will offer existing and future residents with opportunities for sport and physical activity, and together with the site providing access to the local footpath network to access existing open space to the north of the site and the countryside to the south, the scheme will give opportunities for the improvement in the health and well-being of the community.

It is therefore considered that the commuted sum to pay for improvements to the adjacent public open space to provide play equipment would ensure that the proposal would comply with the requirements of paragraphs 96 and 98 of the NPPF and Local Plan Policies CS22 'Green Space' and SP37 'New and Improvements to Existing Green Space'.

Drainage and Flood Risk

The Site Development Guidelines states the areas down stream of this site are known to be at high risk from surface water flooding. A Flood Risk Assessment will be required for any development on this site and additional restrictions may be imposed on discharge rates. On-site flood risk from overland flows should be assessed.

The site is located with Flood Zone 1, but given the size and scale of the development there is potential for increased surface water flows through the development that could impact on future residents of the scheme and existing residents of neighbouring properties. As such, a flood risk assessment and drainage details have been submitted in support of the application.

Policy CS25 'Dealing with Flood Risk' states proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall. Furthermore, policy SP47 'Understanding and Managing Flood Risk and Drainage' states the Council will expect proposals to demonstrate an understanding of the flood route of surface water flows through the proposed development; control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS) and consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding problems. These policies are supported by paragraphs 163 and 165 of the NPPF.

It is noted that there is currently a surface water flood risk associated with the south west corner of the undeveloped site, which is largely due to the topography of the site and the fact that there is no formal drainage system. In a storm event, the ground will gradually become saturated and runoff will flow overland (following the natural topography) to the lowest part of the site in the south west corner.

The applicant has indicated that with the site developed, a formal site wide drainage system will be introduced which will be designed to cater for the 1 in 100 year plus 40% climate change event. Permeability testing has been undertaken across the site, and the rates obtained from this testing have been used for the corresponding drainage calculations, with appropriate factors of safety for the area drained (in accordance with CIRIA 753 guidance). The drainage systems will ensure that rainfall falling on the site is drained into a below ground system which has been sized to suit the area drained.

The Council's Drainage Engineer initially raised concerns regarding some of the drainage information provided, in particular where there is a cluster of highway soakaways adjacent to the existing properties at 55 and 56 Wentworth Way. The applicant has indicated that these soakaways only drain the public highway in the western (narrower) half of the site. The individual dwellings, private driveways and remaining public highway all drain to a series of soakaways which have again been designed for the 1 in 100 year plus 40% climate change event based upon the permeability of the ground at the location of the soakaway and to suit the proposed area drained. In addition, calculations have been provided which demonstrate that the soakaway has sufficient capacity for the area drained and as such will accommodate the 1 in 100 year plus 40% climate change event. Further to this, the soakaway has a half drain time of less than 24 hours for this significant storm event, ensuring it will perform robustly.

The applicant has further stated that they would consider that during the critical storm event (1 in 100 year plus 40% climate change in accordance with NPPF guidance), the developed site will provide a robust surface water drainage system to contain all runoff below ground and they consider that the risk of surface water flooding to the south west corner of the site will ultimately be reduced.

The additional information submitted has been considered by the Council's Drainage Engineer and they have indicated that they are satisfied that subject to conditions the proposed development would accord with the requirements of the NPPF and adopted Local Plan policy outlined above. Therefore, there are no objections to the proposed development from a drainage or flood risk perspective subject to conditions to ensure a foul and surface water drainage scheme is submitted and approved before the construction of roads or dwellings, and details of a flood route is provided.

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

General Amenity

Paragraph 127(f) of the NPPF states planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

In respect of amenity there are two elements

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

Impact of the construction phase on existing local residents:

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

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

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

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

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

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

Air Quality

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

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

The applicant submitted an AQA which concluded that the overall effect on air quality as a result of the additional development trips on sensitive receptors is considered to be "not significant". The Council's Air Quality Officer has confirmed that the information provided is acceptable.

Furthermore, the AQA set out a list of mitigation measures, which states: *"Electric Vehicle charging points will be provided (where practical) at all dedicated parking within the development. The TPC will make residents aware of the economic and environmental benefits of electric cars."*

In light of the above there are no issues in respect of air quality impact from the development and a condition should be imposed requiring details of Electric Vehicle charging points within the development to be submitted and approved before the first dwelling is occupied. As such, subject to conditions, the scheme would comply with policy CS30 and paragraph 110 of the NPPF.

Affordable Housing

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

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

The developer has confirmed that 25% of the units proposed on site (39) will be affordable for both rent and intermediate tenures and the units would be two and three bedroom houses. 16 of the affordable homes will be Starter Homes. This will be achieved by the Council entering into a Section 106 agreement and the Council's Affordable Housing manager has no objections to this provision.

Education

The Education Service notes that the catchment area Primary and Secondary Schools are currently undersubscribed, therefore there is no requirement for an Education Contribution.

Minerals

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

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

The applicant considers it unlikely that the site would be granted future permission for extraction of minerals and as such development for residential purposes is not considered a loss of a future resource. This assessment is supported and as such policy CS26 has been satisfied.

Land Contamination, Coal Mining and Soil Resources

From 1854 to the present date the application site has predominantly remained undeveloped greenfield land. From 1928 onwards two small structures were present in the central portion of the site and by 1961 both structures were gone. This is the only development that has occurred at the site. A tank was shown to be present along the eastern boundary of the site between 1961 and 1985. The tank can no longer be seen on present day maps.

The site is bounded by open grassed fields and residential properties to the north and west. To the south lies an agricultural field and to the east lie residential properties with an agricultural field beyond.

No industrial land uses have taken place at the application site or on adjacent surrounding land that could give rise to significant land contamination.

Based on the former history of the application site and surrounding sites it is considered unlikely that significant contamination of the ground and controlled waters had occurred. However, some small patches of contamination were thought possible within the areas where the two former structures were located, the unspecified tank located along the eastern boundary and the two mounds of materials located in the north eastern corner of the site. For this reason intrusive site investigations were undertaken during November 2018 to determine if any significant soil contamination associated with the historical uses of the site could impact on a proposed residential redevelopment of the site.

The site investigation works comprised the excavation of 17 trial pits and 5 windowless boreholes to assess the ground conditions and potential presence of contamination. The results of the investigation revealed that little contamination was found to be present and at concentration levels below the governmental generic assessment criteria for a residential end use with plant uptake. No heavy metals, inorganics, hydrocarbons, pesticide or asbestos was found to be present at elevated concentrations. The two mounds of material located in the north eastern section appear to be acceptable for reuse on site, although this material will require to be screened to remove rocks, posts, wires etc.

Within the Geo-Environmental report it is suggested (although not confirmed) that some re-profiling of the site may be required.

In conclusion it is considered there is very low risk to the future users of the site from potential site contamination and remedial measures will not be required.

Archaeology

The Site Development Guidelines states that an application will need to be supported with a Heritage Statement for Archaeology. A report has been submitted which states the application has archaeological implications. Accordingly, South Yorkshire Archaeology Service has recommended the imposition of a standard condition for the submission of a Written Scheme of Investigation before any works commence.

Conclusion

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

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 5, 10 and 16 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 5, 10 and 16 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

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

P18:5202:01 – M, received 17 October 2019

P18-5205-03 – A, received 29 May 2019

P18-5202-04, received 29 May 2019

P18-5202-05, received 29 May 2019

P18-5202-06, received 29 May 2019

P18-5202-07, received 29 May 2019

P18-5202-08, received 29 May 2019

P18-5202-09, received 29 May 2019

P18:5202:10, received 29 May 2019

P18:5202:115 – A, received 29 May 2019

P18:5202:116 – A, received 29 May 2019

P18:5202:117, received 29 May 2019

P18:5202:118, received 29 May 2019

P18:5202:119, received 29 May 2019

P18:5202:120 – A, received 29 May 2019

P18:5202:121 – A, received 29 May 2019

P18:5202:122 - A, received 29 May 2019

P18:5202:123 - A, received 29 May 2019

P18:5202:124 – A, received 29 May 2019

P18:5202:125 - A, received 29 May 2019

P18:5202:126 - A, received 29 May 2019

P18:5202:127 – A, received 29 May 2019

P18:5202:128, received 29 May 2019

P18:5202:129, received 29 May 2019
P18:5202:130 - A, received 29 May 2019
P18:5202:131, received 29 May 2019
P18:5202:132, received 29 May 2019
TW-STD-GAR-1000, received 29 May 2019
TW-STD-GAR-1001, received 29 May 2019
TW-STD-GAR-1002, received 29 May 2019
18181-RLL-19-XX-DR-C-200 A, received 29 May 2019
18181-RLL-19-XX-DR-C-202 A, received 29 May 2019
18181-RLL-19-XX-DR-C-203 A, received 29 May 2019

Reason

To define the permission and for the avoidance of doubt.

Materials

03

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

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity.

Highways

04

Details of the proposed traffic calming measures in Wentworth Way / Turnberry Way as shown in draft form on Drg No 19009/GA/01 rev A shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of a dwelling.

Reason

In the interests of highway safety.

05

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;
- the location of the storage / loading / unloading of materials;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of proposed hours of construction on/deliveries to the site;
- details of the quality of soil and its movement and temporary storage during construction;

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.

06

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.

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

Reason

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

07

Construction of road sections, constructional and drainage details shall not commence until details have been submitted to and approved by the Local Planning Authority.

Reason

No details having been submitted they are reserved for approval.

08

Before the proposed development is brought into use, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a programme of implementation, monitoring, validation and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

Landscapes

09

Prior to any above ground development taking place, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall cover all plots, landscape buffers and POS areas and shall be prepared to a minimum scale of 1:200 and 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.
- Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.
- Locations of all proposed species.
- Comprehensive details of ground/tree pit preparation to include:
 - Plans detailing adequate soil volume provision to allow the tree to grow to maturity
 - Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future
 - Staking/tying method(s).
 - Five year post planting maintenance and inspection schedule.

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

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree/s of the same size, species and quality as previously approved.

Reason

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

Trees

10

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees and hedgerows to be retained has been submitted and its installation on site has been approved in writing by the Local Planning Authority. All protection measures must fully detail each phase of the development process taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

- Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837*, with tree works proposals. All trees must be plotted on a site plan**, clearly and accurately depicting trunk locations, root protection areas and canopy spreads.
- A plan** detailing all trees and hedgerows planned for retention and removal.
- A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
- Soil assessments/survey
- Timing and phasing of works
- Site specific demolition and hard surface removal specifications
- Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
- Access arrangements and car parking
- Level changes
- Landscaping proposals
- A Tree protection plan** in accordance with BS5837* detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
- Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.
- Details of the arboricultural supervision schedule. All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

*Using the most recent revision the of the Standard

** Plans must be of a minimum scale of 1:200 (unless otherwise agreed by the Local Planning Authority)

Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change.

Air Quality

11

Before the first dwelling is occupied, a plan for the installation of Electric Vehicle charging points within the development, including their location, shall be submitted to and approved in writing by the Local Planning Authority. The electric charging points shall be installed in accordance with the approved details within a timescale to be agreed in writing and shall thereafter be maintained as such.

Reason

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

Ecology

12

Prior to the development being brought into use, details of bat & bird boxes, including their design and siting, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within a timeframe to be agreed with the Local Planning Authority and shall thereafter be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In order to make adequate provision for species protected by the Wildlife & Countryside Act 1981 and to mitigate the loss of a small number of sub-optimal roosting features.

Land Contamination

13

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

Reason

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

14

If subsoils/topsoils are required to be imported to site for gardens and areas of soft landscaping, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination. The results of which will need to be presented within a Validation Report.

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

In the event that any site profiling is required, a Site Specific Earthworks specification will be forwarded to this Local Planning Authority detailing the intended excavation works, re-use of materials and placement of fill. A Materials Management Plan should be created compliant with the Definition of Waste Development Industry Code of Practice (Version 2, March 2011) CL:AIRE which will cover all aspects of dealing with the retention of site won soils to be reused on site.

Reason

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

Archaeology

16

Part A (pre-commencement)

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

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

Part B (pre-occupation/use)

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

Reason

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

Drainage

18

Construction of roads or dwellings shall not begin until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of any surface water discharge to any sewer or watercourse to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus 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.

19

Construction of roads or dwellings shall not begin until 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, has been 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.

Green Spaces

20

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

Reason

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

Informatives

01

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

02

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

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

03

In respect of Dinnington FP 13 which runs along the South of the site and Dinnington FP 18 which touches the North corner of the site, should a temporary closure be required during development, or a legal order to divert the paths then you will need to apply to the Council's Public Rights of Way Officer.

04

In order for the development to achieve Secured by Design standards the following should be taken account of:

- All dwellings should have well defined defensible space around them.
- The footpaths through the development should have as much surveillance over them as possible, utilising gable ends windows.
- All landscape should be kept low below 1m and trees to have no foliage below 2m.
- Public open space must be kept well maintained and be as overlooked as possible.
- Care must be taken to maintain the wildflower meadows as they could quickly become overgrown and unsightly. They could then become a haven for litter and rubbish to gather.
- All residents should be able to view their own vehicles.
- Garage doors should be to LPS 1175 Issue 8:2018 Security rating 1+/A1+ or above.
- Front and back entrances to the dwellings should be well lit with a dusk to dawn sensor light incorporating an LED light source.
- All street lighting should comply with BS5489.
- All rear boundaries should be at least 1.8m high to prevent access into rear gardens.
- 1.8m high gates capable of being locked from both sides with a key, should be used as close to the front of the building line as possible.
- All doorsets allowing direct access into the home and ground floor windows should be to the required standard for Secured by Design.

05

The southern and eastern hedgerow should be retained and gapped-up and managed as part of the development.

06

Any external lighting should follow the Bat Conservation Trust's advice and be directed inwards and downwards into the site, be placed on the shortest possible poles, be hooded or cowled etc.

07

For the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our Developer Services Team (Tel: 0800 707 6600).

08

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

Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

09

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

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2019/1035
Proposal and Location	Erection of 20 no. dwellinghouses and 2 no. three-storey apartment blocks comprising a total of 34 no. apartments at former Henley's Garage Site, Hollowgate / Wellgate, Rotherham Town Centre
Recommendation	<p>C. That the Council enter into a legal agreement with the developer under Section 111 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • Financial contribution of £27,000 towards sustainable travel measures to support the development • Financial contribution of £19,477 towards improvements to the adjacent public open space and public open space in the surrounding area. • Financial contribution of £29,306 towards improvements to bus stops (30835 and 30836) controlled by South Yorkshire Passenger Transport Executive to support the development <p>D. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in this report.</p>

This application is being presented to Planning Board as it is a 'Major' application.



Site Description & Location

The application is located on the corner of Wellgate and Hollowgate close to the town centre. The site is bounded to the north by Wellgate which consists of a mix of commercial / residential properties in close proximity to the site, to the east by the A6021 Hollowgate with commercial / residential properties on the opposite side of the street, and there are further residential properties to the south on Hollowgate and Whybourne Terrace which sits at an elevated position in relation to the site. There are offices and mixed commercial / residential to the west.

There is a Grade II Listed building (Wellgate Old Hall) in the centre of the site frontage on Wellgate, which is outside of the applicant's ownership and is currently occupied as office space.

The site is currently accessed via a single point from A6021 Hollowgate to the south-eastern end of the site.

The site is relatively flat having been cleared of buildings in the early – mid 2000s. These buildings occupied the eastern end of the site with the remainder being hardstanding. There is a high retaining wall to the southern boundary of the site with Whybourne Terrace/ Whybourne Grove and there is play area to the south of the site off Hollowgate.

Background

There have been numerous planning applications submitted relating to this site, none of which have any implication on the current proposal.

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. CIL is not payable in respect of affordable housing units.

Proposal

The application is for the redevelopment of the site that will consist of 20 dwellinghouses to the rear of the site and 34 apartments split between 2 three-storey buildings at the front of the site, located either side of the listed Wellgate Old Hall.

The development would be accessed via a single access of Hollowgate, with the apartment blocks to the north and dwellings to the south. In between would be a 23 space parking area for the apartments. All dwellings will have on-site parking within their curtilage (total 28 spaces) and a private rear garden.

The dwellings will be a mixture of 2 and 3 bed, whereby there will be 10 of each and will be a mixture of two and three stories with simple pitched roofs. They will run in a linear form parallel with the high retaining wall to the south of the site.

The apartments will be a mixture of 1 and 2 bed, each of the apartment buildings would be three-storey with a flat roof form and set back from the front building line of Wellgate Old Town Hall.

A landscape strip is proposed to the front of the apartment blocks adjacent Wellgate, as well as to the side of the apartment block that faces Hollowgate. Additional planting and landscaping is proposed in an around the surface parking spaces for the occupants of the apartments which are sited to the rear of the apartments. This will be maintained by RMBC Housing Services will manage all the communal elements – including bin stores, bike stores, landscaped areas, retaining structures, private roads and car parking etc. This was stated in the report that went to Cabinet on 21 October 2019.

The dwellings and apartments are proposed to be constructed in a mixture of red, grey and brown facing brick, with banded recessed brick details.

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

Design and Access Statement

The statement provides details on the site and its surroundings, the proposal including its design, materials, and landscape and access arrangements.

Heritage Statement

The statement notes that the Site is located in close proximity to the Grade II listed Wellgate Hall and the setting of the listed building was carefully considered during the preparation of the Local Development Framework. It was considered that the setting of the building would be preserved by imposing a building line contingent on the west boundary of the site. This assessment has not identified any subsequent changes in the heritage baseline to challenge this position.

Within 250m of the Site, there are an additional seven designated heritage assets. These include five listed buildings and two conservation areas all located towards the fringe of the study area. Currently, these assets are screened from the Site and there is no inter-visibility between their immediate townscape settings and the site either.

It further notes that potential for remains pre-dating the early post-medieval period is low based on the likely survival following extensive early modern redevelopments and that the survival of any such remains is negligible.

It also reaffirms the need for future development to take account of the sensitivity of the setting of Wellgate Hall. The immediate townscape setting of the Hall was until recently largely constrained by both historic and modern development in very close proximity.

Transport Statement

The purpose of this Transport Statement is to set out the transport issues relating to the development proposals.

It concludes that the development can be accessed in a safe manner and the impact of the scheme on nearby junctions is considered to be negligible. It is therefore concluded that there are no material highway or traffic reasons why planning permission should not be granted.

Travel Plan

The Travel Plan provides details of measures that will be implemented in order to minimise the use of single occupancy private car in making journeys to and from the site.

The development will provide £500 per household to fund travel plan measures for the future residents of the site.

Noise Assessment

The assessment notes that based on measured noise levels it is recommended that all habitable rooms within new residential accommodation adjacent to Wellgate and Hollowgate are provided with an alternative means of ventilation such as passive trickle ventilation, such that windows can normally remain closed.

The minimum recommended glazing and ventilation sound insulation performance requirements for the scheme based on the provision of natural ventilation via window frame mounted trickle ventilators and/or acoustic glazing where necessary should be incorporated in the design of the buildings.

Areas within 30m of the south eastern site boundary are predicted to exceed the upper guideline noise limits with regard to relevant guidance. Mitigation in the form of localised screening could be used to reduce noise levels, however it may not be possible to reduce levels across all areas of the site below the upper guideline noise limit from road traffic and neighbouring businesses.

Affordable Housing Statement

The Affordable Housing provision on the site will exceed the Council's 25% requirement. The scheme is intended to be 100% Affordable Housing, comprising:

- 20 x houses for Shared Ownership
- 11 x apartments for Shared Ownership
- 23 x apartments for Affordable Rent

A grant funding bid will be submitted to Homes England to support the delivery of the scheme. All of the properties will be sold or let directly by the Council.

Following consultation with the Council's Affordable Housing Co-ordinator the applicant understands that the Affordable Housing will be secured via a planning condition.

Building for Life

This document assesses the proposed scheme against the BfL standard checklist. The applicant has scored the scheme as complying with the 12 criteria.

Ecological Appraisal

The assessment provides recommendations in respect of further surveys needed, advice on appropriate lighting schemes, and that any site clearance should take place outside of the breeding bird season.

It also suggests post development enhancements in respect of sensitive planting schemes.

Air Quality Assessment

The AQA assesses the potential impacts of existing and future traffic levels on a proposed residential development.

The Assessment notes that whilst the likely impact of dust soiling and PM¹⁰ (which is particulate matter 10 micrometres or less in diameter and used to measure air quality) are negligible mitigation measures have been listed and are applicable for a low to medium risk site. Implementation of these Best Practice Measures will help reduce the impact of the construction activities.

It also notes that the likelihood of nuisance dust episodes occurring at those receptors adjacent to the development are considered low to negligible. Notwithstanding this, the developer should take into account the potential impact of air quality and dust on occupational exposure standards (in order to minimise worker exposure) and breaches of air quality objectives that may occur outside the site boundary. Monitoring is not recommended at this stage, however, continuous visual assessment of the site should be undertaken and a complaints log maintained in order to determine the origin of a particular dust nuisance. Keeping an accurate and up to date complaints log will isolate particular site activities to a nuisance dust episode and help prevent it from reoccurring in the future.

The report also outlines the predicted air quality concentrations at the proposed development, once completed to assess the impact of road traffic in the area on future occupants. The report concludes that these results are well below the air quality objective.

Ground Investigation Report

The report provides details in respect of contamination on site, and sets out a number of remediation measures that should be included in the construction of the scheme and also provides details for further assessments.

Development Plan Allocation and Policy

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

The application site is allocated for Residential purposes (site allocation H22) in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS3 'Location of New Development'
CS7 'Housing Mix and Affordability'
CS13 'Transforming Rotherham Town Centre'
CS14 'Accessible Places and Managing Demand for Travel'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscapes'
CS22 'Green Space'
CS23 'Valuing the Historic Environment'
CS25 'Dealing with Flood Risk'
CS26 'Minerals'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS33 'Presumption in Favour of Sustainable Development'
SP1 'Sites Allocated for Development'
SP26 'Sustainable Transport for Development'
SP32 'Green Infrastructure and Landscape'
SP33 'Conserving the Natural Environment'
SP35 'Protected and Priority Species'
SP36 'Soil Resources'
SP37 'New and Improvements to Existing Green Space'
SP41 'Listed Buildings'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP55 'Design Principles'
SP56 'Car Parking Layout'
WCS7 'Managing Waste in All Developments'

Other Material Considerations

National Planning Practice Guidance (NPPG)

National Planning Policy Framework: The revised NPPF came into effect in February 2019. 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.

Council's Adopted Parking Standards

Town Centre Masterplan

South Yorkshire Residential Design Guide

Publicity

The application has been advertised by way of press and site notice along with individual neighbour notification letters to adjacent properties. 4 letters of representation have been received raising the following concerns:

- The positioning and design of the apartment blocks is not appropriate as currently shown.
- The apartment blocks overshadow the listed building and are out of proportion with it.
- The apartment blocks create a loss of light putting the listed building into insignificance.
- The apartments are not in character with Wellgate.
- The apartment blocks are of a poor design.
- Any planting within the site should be sensitive and enhance ecology.
- The Old Hall should be treated as a fragile old lady and not smothered to death by overdevelopment.
- The proposal is not in accordance with the Site Development Guidelines set out within the Sites and Policies Document.

Two right to speak requests have been received from objectors and one from the applicant.

Consultations

RMBC – Transportation Infrastructure Service: No objections subject to conditions and S106 contribution towards sustainable transport.

RMBC – Conservation (Consultant): No objections.

RMBC – Leisure and Green Spaces Manager: No objections subject to S106 contribution towards improvements to the adjacent public open space.

RMBC – Ecology: No objections.

RMBC – Landscape Design: No objections subject to conditions.

RMBC – Drainage: No objections subject to conditions.

RMBC – Air Quality: No objections.

RMBC – Affordable Housing Officer: No objections.

RMBC – Environmental Health: No objections subject to conditions.

RMBC – Education: As the development is for 100% affordable housing, under the Service's Education Policy an education contribution would not be requested.

RMBC - Land Contamination: No objections subject to conditions.

NHS: There is enough capacity to cater for the development.

SY Police Architectural Liaison Officer: No objections but the development should be designed and built to Secured by Design standards.

South Yorkshire Archaeological Service: No objections.

Geology (SAGT): No objections.

SYPT: Recommend bus stop upgrades via a S106 agreement.

Yorkshire Water: No objections.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of development
- Design considerations (inc. layout, scale)
- Impact on Heritage Assets (inc. Archaeology)
- Highway considerations
- General Amenity
- Landscapes
- Ecology
- Green Space
- Drainage and Flood Risk
- Affordable Housing
- Land Contamination
- Air Quality
- Education

Principle

Local Plan Policy SP1 'Sites Allocated for Development' identifies the site as Housing Site H22 (total area 0.65ha) and it indicates that the total site area has a capacity of approximately 100 dwellings.

CS1 'Delivering Rotherham's Spatial Strategy' states most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. The application site is located within Rotherham Urban Area which is identified as the main location for new growth.

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

The site is allocated Residential and as such the principle of residential development is acceptable and while 54 dwellings on the site is below the indicative figure of 100, it is considered that this level of dwellings on this site could only be achieved if it were solely apartment blocks which may cause other issues, such as impact on the listed Old Hall.

Access to Community Facilities

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

The site is within close proximity to a number of shops and services given its location close to the town centre. Accordingly, the scheme would be in full compliance with the requirements of policy SP64.

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

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

The remainder of the report will focus on whether there are any other material planning considerations that would outweigh the presumption in favour of sustainable development.

Design considerations (inc. layout, scale)

The NPPF at paragraph 124 states: *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 127 of the NPPF states planning decisions should ensure that developments add to the overall quality of the area are visually attractive as a result of good architecture and are sympathetic to the local character.

Policy CS28 ‘Sustainable Design’ states design should take all opportunities to improve the character and quality of an area and the way it functions. Policy SP55 ‘Design Principles’ adds that all forms of development are required to be of a high quality, incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area.

It is noted that the Site Development Guidelines for this particular site within the Local Plan notes at no. 3, *“On the Wellgate frontage a building line to be established, running in line with the rear elevation of Wellgate Old Hall. This area should be a visual buffer ensuring that views of the Hall along Wellgate are not obscured.”*

Whilst the current scheme shows the apartment blocks not being set back as far as the rear elevation of Wellgate Old Hall, information has been submitted in the form images and drawings that show that, due to the splayed nature of the site and the setback proposed, views of the Hall along Wellgate will not be obscured. Accordingly, whilst not set back as far as prescribed in the Site Development Guidelines, the main objective of not obscuring views of Wellgate Old Hall along Wellgate would be achieved. Therefore the siting of the two apartment blocks is considered acceptable from a design perspective and their impact on the Listed Old Hall will be explored in the following section of the report.

Further to the above, Site Development Guideline no.4 states: *“It is essential that development reflects the existing character and quality of the wider townscape to improve the historic character and sense of place. There is a need for careful consideration of layout, design, scale, height and use of materials to ensure development contributes positively to its location.”* It is considered that the development by virtue of its size, scale, form, design and siting will improve the character and quality of this area and it will contribute positively to this area, by introducing a well-designed scheme that has taken account of the character of the area and its historic past.

It is noted that the apartment blocks are utilitarian in design, with flat roofs and a regular fenestration, but also that there are design features in the way of the vertical windows, the rear elevations that project beyond the side, and brick banding, all of which will ensure they uplift the appearance of this gateway site. Furthermore, the flat roof form and three-storey height is considered acceptable in this location and would not result in an over dominant form of development. In addition, as will be set out in the following section, the site has had similar sized buildings in the past.

Therefore, the two apartment blocks from a design perspective are considered to be of a high quality that will ensure they are visually attractive, but also sympathetic to the local character.

With respect to the dwellinghouses sited to the rear of the apartment blocks, their differing designs with a variety of heights and design features will ensure that they are also visually attractive buildings, which will further enhance the character and quality of the area. This would further be enhanced by the hard and soft landscaping to the rear of the site and the grassed area to the front along Wellgate.

With regard to layout, this has been dictated by the listed building and also the access location on Hollowgate. It is considered that the relationship between the houses and apartments is acceptable and the incorporation of pockets of open space to the rear of the apartments ensures that the site is not overly developed. Furthermore, the front building line of the apartments is set back from the Wellgate Old Hall which ensures good long views of Wellgate Old Hall when approaching the town centre along Wellgate.

It is therefore considered that from a design perspective the proposal would comply with the requirements of Local Plan policies and NPPF paragraphs referred to above.

Impact on Heritage Assets

The application site lies within the immediate setting of the Grade II listed coursed rubble sandstone Wellgate Old Hall which is suspected to date from the late C17 century. It is an important manorial site which was possibly connected to St James Chapel which, historically, was located opposite. It is 2 storeys, 5 bays with a central 3 bay pediment, with tall chamfered mullioned window openings. However, it has a 20th century tiled hip roof, windows and doors along with a largely 20th century interior.

The Council's Conservation consultant notes that much of the Hall's original setting has been eroded over time by surrounding development, both recent and historic. The loss of the sandstone wall to Wellgate along with the garden subdivision walls has been particularly harmful as it greatly undermines the original residential character of the building.

Within the Site Development Guidelines for this site, no. 2 states: *"This is a visible site on one of the main routes into the town centre and immediately adjacent to Wellgate Old Hall, a Grade II listed building. A Heritage Statement shall be submitted to identify the significance and to assess the impact of development proposals upon the listed building and its setting. It is essential that development reflects the existing character and quality of the wider townscape to improve the historic character and sense of place."*

A Heritage Statement has been submitted with the application and its contents have been assessed in accordance with the NPPF and Local Plan policies CS23 'Valuing the Historic Environment' and SP40 'Listed Buildings'. Paragraph 192 of the NPPF states that in determining applications consideration should be had to the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 to 202 sets out what should be considered when assessing the potential impacts of a proposal on heritage assets.

Policy CS23 'Valuing the Historic Environment' states Rotherham's historic environment will be conserved, enhanced and managed, in accordance with several principles. One of which states: *"Proposals and initiatives will be supported which conserve and enhance the heritage significance and setting of the borough's heritage assets..."*

With regard to the above policies and the current proposed redevelopment of the site, the Old Hall has benefited from an encapsulated view as a result of its step back from the established building line since the early 19th century. This has helped set it apart from the surrounding townscape and clearly denoted it as unique within the surrounding largely 19th and 20th century townscape.

It is noted that the Site Development Guidelines state that the building line of any new building should be set behind the rear building line of the Wellgate Old Hall, and the current proposal does not show this. However, it is considered that given the splayed nature of the front boundary, together with the comments outlined above and the historic setting of the Old Hall, the current proposal would not affect views of the Old Hall from Wellgate on the approach to the town centre or when directly stood in front of the site. Furthermore, the proposal would effectively "book end" the listed building and reintroduce its historic setting..

Therefore, for the reasons set out above it is considered that on balance the siting of the proposed apartment blocks would be acceptable and would outweigh the conflict with the Site Development Guideline in this respect.

Further to the above, the proposed low level nature of the parking area to the rear of the Old Hall is supported from a Heritage impact perspective as this will ensure the retention of views of the rear of the Old Hall from within the proposed new residential development.

In respect of the overall massing, scale and building typology, it is clear from historic OS Maps and images that three storey buildings of a similar scale and massing to that of the proposed apartment blocks have been present within the proposed development site, albeit in various iterations and forms over the years. Accordingly, the Council's Conservation consultant has stated that it would be difficult to suggest that the proposed scale and massing would have a harmful impact on the setting of the Grade II listed Hall. Moreover, the proposed use of traditional brick will ensure that the development maintains a dialogue with not only the Hall but the surrounding historic environment.

It is noted that the owner / occupant of the Old Hall have raised strong objections to the proposed scheme in respect of the impact on their building. However, for the reasons set out above it is considered that sufficient evidence has been submitted to justify the development.

In addition to the above, No. 1 in the Site Development Guidelines states: *"Development proposals will need to be supported with a Heritage Statement for Archaeology."* The applicant has submitted an archaeological desk-based assessment which states that the archaeological potential of the site is low to nil, because of previous development, and South Yorkshire Archaeology Service have indicated that the submitted assessment is acceptable and they agree with its recommendation / findings. Accordingly, SYAS have stated that no further work is required for this development and no archaeological conditions will be required should permission be granted.

Highway considerations

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."*

The NPPF further notes at 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."*

It is noted that the Transport Statement has demonstrated that the site is highly accessible with good public transport links, there are bus stops with high frequency services located along the site frontage and Rotherham Interchange and Rotherham Central railway station are located approximately 1.1km from the site. Accordingly, it is considered that the impact of the development will be minimal on the highway network.

In respect of car parking, it is noted that the proposed apartments would be provided with 23 spaces which is below the usual Council standards of 1.5 spaces per apartment (34 apartments would require 51 spaces). In addition, the 20 dwellings are provided with 28 spaces, though would require 30 (1 per two-bed dwelling and 2 per three-bed dwelling). However this site is considered highly sustainable for the reasons outlined above and as such the level of parking for this development in this location is considered sufficient.

It is considered that on the basis of the above and subject to conditions and a sustainable travel contribution of £500 per dwelling being secured via a s106 there are no objections to the scheme from a highways perspective.

As discussed above the development is well served by public transport with good links to employment, education and amenities via public transport, either directly or with interchange. Accordingly, South Yorkshire Passenger Transport Executive has requested improvements to two bus stops close to the site via a financial contribution secured by a s106 agreement.

Therefore having regard to the above the proposed development in respect of highway impact would comply with the requirements of the NPPF and Local Plan policies referred to above.

General Amenity

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 minimise health inequalities."* It further states: *"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."*

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."*

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

Paragraph 180 of the NPPF states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should, amongst other things, mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

In respect of the impact of the buildings on the occupants of existing adjacent buildings, it is considered that they would not detrimentally impact on occupiers of adjacent surrounding properties by virtue of their siting, design features, height, mass, form and scale, together with the orientation of the site, land levels and distance to neighbouring properties. This is due to the fact that the buildings would not impact on the outlook from neighbouring properties by being overly dominant or visually oppressive, would not give rise to any overlooking or privacy issues and would not result in the overshadowing of habitable room windows or private rear amenity areas.

Furthermore, it is considered that the apartment blocks hereby proposed are a sufficient distance from the front of the nearest proposed houses and adjacent existing residential dwellings to ensure that they would not appear overly dominant or oppressive. In addition, they would not result in any overlooking issues or overshadowing.

The internal accommodation of the proposed apartments satisfies the internal space requirements set out in the South Yorkshire Residential Design Guide and the distance between buildings also conform to the SYRDG.

Further to the above, a noise report was submitted with the application to assess the impact of existing neighbouring land uses on future occupants of the dwellings and apartments. This is due to the fact that the site is located within very close proximity to commercial premises on Hollowgate and Wellgate.

The noise report highlights minimum glazing specification to reduce internal noise levels to an acceptable level in accordance with BS8233:2014. It also highlights that any gardens within 30m of the North East and South East boundaries of the site are likely to be subjected to noise levels above 55dB LAeq, 16hr. Although it may not be possible to reduce levels to below 55dB LAeq, 16hr, noise mitigation measures will be necessary to reduce as far as reasonably practicable noise levels in these areas to below 55dB LAeq, 16hr. However, the level of noise is not considered sufficient to warrant a refusal.

With regard to the above it is recommended that conditions requiring glazing and ventilation to meet recommended specifications and the submission of details of proposed mitigation measures to ensure that noise to amenity areas are reduced are imposed on any approval.

In respect of air quality it is noted that the site is within the Wellgate Air Quality management Area. The Air Quality Officer has raised no objections to the proposal, which is discussed later in the report.

Accordingly, subject to conditions it is not considered that the proposed development would give rise to any significant adverse amenity impact and the scheme would comply with the requirements of the NPPF and Local Plan policies CS27 'Community Health and Safety' and SP52 'Pollution Control'.

Landscapes

Policy CS21 'Landscape' states: *"New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes..."*

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

The site lies in a prominent corner position on Wellgate and Hollowgate. The proposals include for a mix of dwelling houses and apartments and include parking, cycle and bin storage, and open space. The site plans show three-storey buildings forming prominent street scene to the Wellgate Frontage. Lower height individual dwellings are shown to the rear of the site. The scheme provides for some private amenity space on site for residents, which is situated to the front of the site or within private gardens.

The Council's Landscape Design Team are generally satisfied with the proposals and further details regarding hard and soft landscaping can be secured via conditions. It is noted that they have previously requested that the site boundary should include the highway land to the corner of Wellgate and Hollowgate as it would be of a positive benefit to the development for any public realm proposals to wrap around the Wellgate / Hollowgate junction in an integrated and seamless way. However, the land in question has a number of services running through it which would make it difficult to include any tree planting or built form, which is why it has been left out of the application boundary.

It is therefore considered that there is sufficient justification for the above land to be excluded and, subject to conditions relating to a detailed landscaping scheme being submitted, then the proposal would satisfy the relevant Local Plan policies outlined above.

Ecology

Policy CS20 'Biodiversity and Geodiversity' states the Council will conserve and enhance Rotherham's natural environment, and biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.

The submitted Preliminary Ecological Assessment has been assessed by the Council's Ecologist and there are no issues with the survey reports and there are no ecological issues with the proposal subject to the imposition of suitably worded conditions and informatives. These will relate to advice on avoiding work during nesting bird season and biodiversity enhancements in the form of appropriate native planting.

Green Space

Policy CS22 'Green Space' states: *"The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community..."*

Policy SP37 'New and Improvements to Existing Green Space' states residential developments of over 36 dwellings or more shall provide 55 sq. metres of Green Space per dwelling on site. It further states: *"where the characteristics of the site and the nature of the proposals are likely to impact on the delivery of the Green Space... then evidence shall be provided with the planning application to justify any lower level of Green Space provision on site or off-site contributions."*

On such a site in the town centre, the scheme cannot provide the necessary amount of new green space. However, there is a play area to the south of the site; as such it is appropriate that a suitable S106 contribution is made for green infrastructure improvements in the town centre area. This may include tree planting and maintenance, public art or improvements to existing green spaces and play areas.

In light of the above, the applicant has agreed to pay a financial contribution of £19,477 towards improvements to the adjacent public open space or other public open space within close proximity to the site.

Drainage and Flood Risk

Policy CS25 'Dealing with Flood Risk' states: "Proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall..." In addition, SP47 'Understanding and Managing Flood Risk and Drainage' states: *"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...c) consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties."*

A Flood Risk Assessment has been submitted due to the fact that there is a risk of surface water flooding to the eastern part of the site. The FRA submitted along with supplementary drawings confirm that subject to conditions, the development is not at risk from surface water flooding and will not increase the risk of flooding to neighbouring properties.

Further to the above, the site is classed as greenfield for runoff purposes because there has been no positive discharge into the sewer system for many years. Accordingly, the maximum runoff rate of the site will need to be reduced to 5 litres per second per hectare.

The Council's Drainage Engineer has indicated that subject to conditions requiring the submission of details of foul and surface water drainage for the site, and a flood route drawing being submitted prior to construction works commencing the scheme would raise no drainage or flood risk issues.

In addition, Yorkshire Water have stated that they have no objections to the proposal as the proposed building stand-off from the public sewer centre-line (of five metres) as shown on the submitted plans is acceptable. They do note that no details of foul water or surface water drainage are shown and these will be secured via a condition.

Affordable Housing

The Affordable Housing provision on the site will exceed the Council's 25% requirement. This is due to the fact that the site will be developed out as 100% affordable housing scheme and all properties will be owned and managed by the Council as new Council Homes.

The property types will be for:

- 20 houses for shared ownership
- 11 apartments for Shared Ownership
- 23 apartments for affordable rent.

Therefore the scheme will comply the Council's affordable housing policy set out at Policy CS7 'Housing Mix and Affordability'.

Land Contamination

The site investigation works undertaken have reaffirmed the presence of contamination at the site, in particular lead and polycyclic aromatic hydrocarbons (PAHS). Remediation works comprising of a soil capping layer is therefore required to bring the site to an acceptable standard for its proposed residential end use.

Air Quality

The application site is located within one of Rotherham's current Air Quality Management Areas and the scheme is for more than 50 dwellings.

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

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

The applicant has submitted an Air Quality Assessment (AQA) which concluded that the overall effect on air quality as a result of the additional development trips on sensitive receptors is considered to be "low to negligible". The Council's Air Quality Officer has confirmed that the information provided is acceptable and the development is acceptable in terms of ambient air quality.

Furthermore, the AQA set out a list of mitigation measures, which includes cycle storage and electric charging points, in addition to a Travel Plan.

In light of the above there are no issues in respect of air quality impact from the development and a condition should be imposed requiring details of Electric Vehicle charging points within the development to be submitted and approved before the first dwelling is occupied. As such, subject to conditions, the scheme would comply with policy CS30 and paragraph 110 of the NPPF.

Education

In respect of an education contribution, there is no requirement in this instance due to the fact that the site is 100% affordable housing.

Waste Management

Policy WCS7 'Managing Waste In All Developments' requires all development proposals (excluding minor planning applications) to submit a waste management plan as part of the planning application. No Waste Management Plan has been submitted with the application, however it has been agreed that this will be conditioned as there is currently no known end user at this time.

Conclusion

It is concluded that the application represents an acceptable form of development on Residential allocated land which is of an appropriate design that would not adversely affect the character or appearance of the locality or significantly affect the setting of the adjacent listed building. Furthermore, subject to conditions, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or drainage, ecological, environmental or mining concerns, while providing much need affordable housing.

The proposal is therefore considered to comply with the up-to-date development plan and there are no material considerations that would conflict with this, thus as advocated in paragraph 11 of the NPPF the proposal constitutes sustainable development and the application should be approved "without delay".

The application is therefore recommended for approval subject to conditions and the signing of a s106 agreement for the provision financial contributions towards improvements to, and maintenance of the public open space, and promotion of sustainable travel measures.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **5 and 18** of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers **5 and 18** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

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

HGS-BBA-00-XX-DR-A-1001-P03, received 2 July 2019
HGS-BBA-00-XX-DR-A-1006-P12, received 2 July 2019
HGS-BBA-Z0-00-DR-A-2001-P03, received 2 July 2019
HGS-BBA-Z0-01-DR-A-2002-P03, received 2 July 2019
HGS-BBA-Z0-02-DR-A-2003-P04, received 2 July 2019
HGS-BBA-Z0-03-DR-A-2004-P03, received 2 July 2019
HGS-BBA-Z0-XX-DR-A-3001-P03, received 2 July 2019
HGS-BBA-Z0-XX-DR-A-3002-P03, received 2 July 2019
HGS-BBA-Z0-XX-DR-A-3003-P03, received 2 July 2019
HGS-BBA-Z1-XX-DR-A-3001-P03, received 2 July 2019
HGS-BBA-Z1-XX-DR-A-3002-P03, received 2 July 2019
HGS-BBA-Z1-XX-DR-A-3003-P03, received 2 July 2019
HGS-BBA-Z1-XX-DR-A-3004-P03, received 2 July 2019
HGS-BBA-Z1-XX-DR-A-4001-P03, received 2 July 2019
HGS-BBA-Z1-XX-DR-A-4002-P03, received 2 July 2019
HGS-BBA-Z2-XX-DR-A-0001-P01, received 2 July 2019
HGS-BBA-Z2-XX-DR-A-3001-P04, received 2 July 2019
HGS-BBA-Z3-XX-DR-A-3001-P04, received 2 July 2019
HGS-BBA-Z3-XX-DR-A-3002-P04, received 2 July 2019
HGS-BBA-Z3-XX-DR-A-3001-P04, received 2 July 2019
HGS-BBA-Z0-XX-DR-A-3004-P03, received 2 July 2019
HGS-BBA-Z0-XX-DR-A-4001-P03, received 2 July 2019
HGS-BBA-Z0-XX-DR-A-4002-P03, received 2 July 2019
HGS-BBA-Z1-XX-DR-A-2001-P03, received 2 July 2019
HGS-BBA-Z1-01-DR-A-2002-P03, received 2 July 2019
HGS-BBA-Z1-02-DR-A-2003-P03, received 2 July 2019
HGS-BBA-Z1-03-DR-A-2004-P03, received 2 July 2019
HGS-BBA-Z2-XX-DR-A-3002-P01, received 2 July 2019
HGS-BBA-Z3-XX-DR-A-0001-P01, received 2 July 2019
HGS-BBA-ZZ-ZZ-DR-A-3001-P01, received 1 October 2019
HGS-BBA-00-XX-DR-A-1003-P05, received 1 October 2019
HGS-BBA-ZZ-00-DR-A-1008-P11, received 18 October 2019
HGS-ACE-00-XX-DR-C-0199-P01, received 4 October 2019

Reason

To define the permission and for the avoidance of doubt.

03

The development shall provide 100% affordable housing across the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of securing affordable housing.

04

No development shall take place above ground level 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.

Highways

05

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

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the construction work;
- the location of the site compound and staff parking;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of proposed hours of construction on/deliveries to the site;
- measures to prevent exposure of the water environment from dust, debris or silt-laden run-off from the construction 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 amenity.

06

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

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

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

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

07

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

Reason

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

08

Construction of road sections, constructional and drainage details shall not commence until details have been submitted to and approved by the Local Planning Authority.

Reason

No details having been submitted they are reserved for approval.

09

When the proposed access has been brought into use, the existing vehicle accesses to Wellgate and Hollowgate marked on the proposed site plan shall be permanently closed and the footway / kerbline reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interests of road safety.

10

Before the first dwelling is occupied, a plan showing the number and location of proposed Electric Vehicle charging points within the development shall be submitted to and approved in writing by the Local Planning Authority. The electric charging points shall be installed in accordance with the approved details within a timescale to be agreed in writing and shall thereafter be maintained as such.

Reason

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

Amenity

11

Glazing and ventilators shall meet the following specifications in terms of minimum sound insulation performance. Any variation from these specifications requires written approval from the Local Planning Authority prior to first use of the building:

Dwellings	Façade	Minimum sound insulation performance	
		Glazing (dB Rw + Ctr)	Ventilator (dB Dn,e,w +Ctr)
Blocks A & B	North East & South East	36	42
	West & South West	28	28
Terraces within 30m of Hollowgate	All	36	42
All other	All Facades	28	28

Reason

In the interests of the amenity of future occupants.

12

No development shall take place above ground level of the buildings hereby proposed until the applicant has submitted details of proposed mitigation measures to ensure that noise to amenity areas (gardens) located within 30m of the North East and South East site boundaries are reduced to ≤ 55 dB LAeq,16hr. No development shall take place until noise mitigation methods are agreed in writing by the Local Planning Authority.

Reason

In the interests of the amenity of future occupants.

Drainage

13

Construction of roads or dwellings shall not begin until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- 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.

14

Construction of roads or dwellings shall not begin until 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.

Landscapes

15

Prior to first occupation of the development, a detailed landscape scheme for the site including plot landscaping and public realm areas, shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

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

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

Reason

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

16

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.

Ecology

17

The development shall be carried out in accordance with the recommendations of the submitted and approved Preliminary Ecological Assessment (dated 28 February 2019). Thereafter such approved measures shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In order not to disturb any bats or birds and to make adequate provision for species protected by the Wildlife & Countryside Act 1981.

Land Contamination

18

Prior to development commencing, a Remediation Method Statement shall be provided and approved by this Local Planning Authority. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in accordance with the findings identified within the ECUS Ground Investigation Report 2019 and under a full quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority must be given two weeks written notification of commencement of the remediation works.

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.

19

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.

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.

20

Prior to development if subsoils / topsoils are required to be imported to site for remedial works, then these soils will need to be tested at a rate and frequency to be agreed with the Local Planning Authority to ensure they are free from contamination.

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.

21

Following completion of any remedial/ground preparation works a Validation Report should 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.

Waste Management

22

Prior to the development being first occupied a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will need to include:

- 1) information on the amount and type of waste that will be generated from the site;
- 2) measures to reduce, re-use and recycle waste within the development, including the provision of on-site separation and treatment facilities (using fixed or mobile plants where appropriate);
- 3) an assessment of the potential to re-use or adapt existing buildings on the site (if demolished it must explain why it is not possible to retain them);
- 4) design and layouts that allow effective sorting and storing of recyclables and recycling and composting of waste and facilitate waste collection operations during the lifetime of the development;
- 5) measures to minimise the use of raw materials and minimise pollution of any waste;
- 6) details on how residual waste will be disposed in an environmentally responsible manner and transported during the construction process and beyond;
- 7) construction and design measures that minimise the use of raw materials and encourage the re-use of recycled or secondary resources (particularly building materials) and also ensure maximum waste recovery once the development is completed; and
- 8) details on how the development will be monitored following its completion.

The agreed details shall be implemented and thereafter maintained.

Reason

To minimise the amount of waste used during the construction and lifetime of the project and to encourage the re-use and recycling of waste materials on site.

Air Quality

23

Before the first dwelling is occupied, a plan for the installation of Electric Vehicle charging points within the development, including their location, shall be submitted to and approved in writing by the Local Planning Authority. The electric charging points shall be installed in accordance with the approved details within a timescale to be agreed in writing and shall thereafter be maintained as such.

Reason

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

Informatives

01

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

Except in case of emergency, no operations shall take place on site other than between the hours of 0800 to 1800 hours Monday to Friday and between 0900 to 1300 hours on Saturdays. There shall be no working on Sundays or Public Holidays. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption. Any accidental deposition of dust, slurry, mud or any other material from the site, on the public highway shall be removed immediately by the developer.

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

02

Where possible works including site clearance, should be undertaken outside the breeding bird season (typically March to September, inclusive). If this is not possible, a walkover survey should be undertaken by a qualified ecologist to ensure the site is clear.

03

It is recommended that the site would benefit from a sensitive planting scheme to include native broadleaved tree and wildflower species, in order to increase invertebrate species, and enhance the attractiveness of the site for birds, bats and other fauna. Suggestions are outlined within Appendix Three of the Preliminary Ecological Assessment.

04

The planning permission is subject to a Legal Agreement (Obligation) under Section 111 of the Town and Country Planning Act 1990. The S111 Agreement is legally binding and is registered as a Local Land Charge. It is normally enforceable against the people entering into the agreement and any subsequent owner of the site.

05

The development shall be designed and built to achieve Secured by Design standards.

06

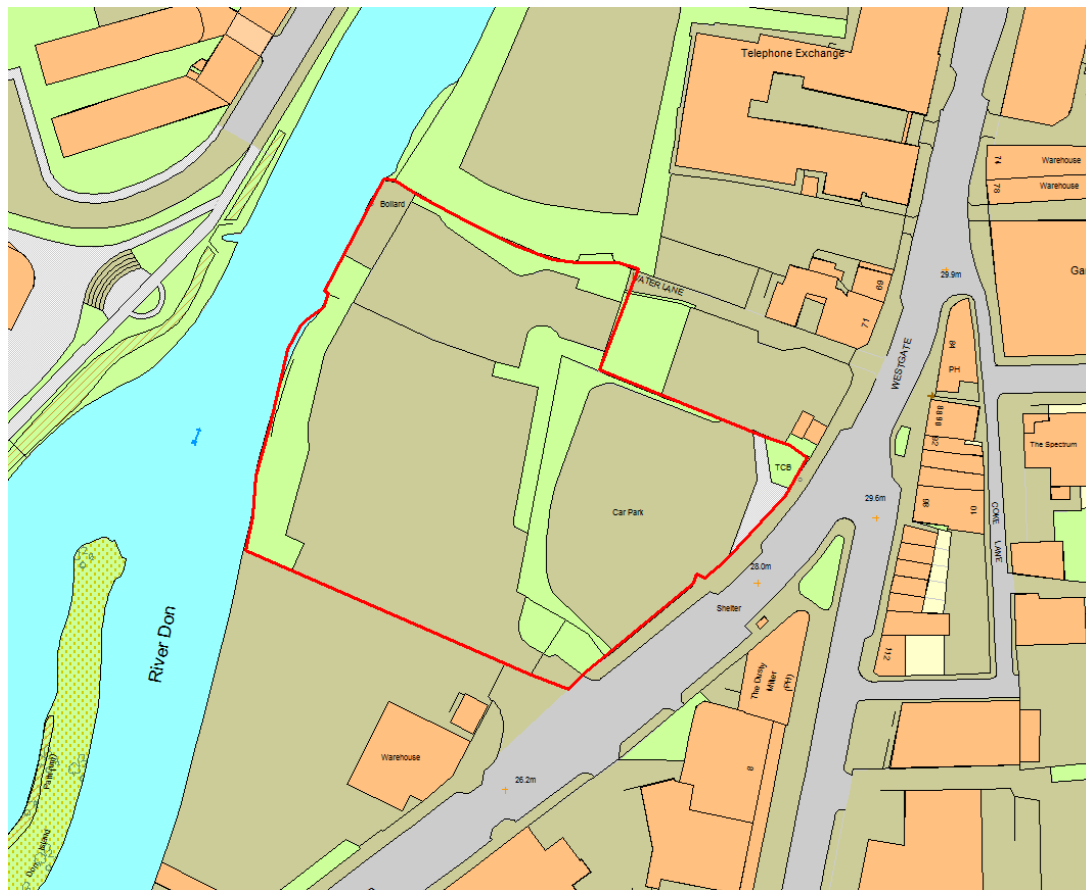
The developer should note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2019/1098
Proposal and Location	Erection of 34 no. dwellinghouses and erection of 1 no. four and 1 no. five storey building comprising of 44 no. apartments in total at Car Park, Sheffield Road, Rotherham Town Centre
Recommendation	<p>E. That the Council enter into a legal agreement with the developer under Section 111 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • Financial contribution of £39,000 towards sustainable travel measures to support the development • Financial contribution of £30,466 towards improvements to green infrastructure in the town centre area. • Financial contribution of £85,714 towards secondary education provision at Oakwood High • Financial contribution of £29,306 towards improvements to bus stops (30502 and 30503) controlled by South Yorkshire Passenger Transport Executive to support the development <p>F. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in this report.</p>

This application is being presented to Planning Board as it is a 'Major' application.



Site Description & Location

The site is located on Sheffield Road close to where it turns into Westgate and is approximately 2.17 acres in area and is currently void of any buildings and is in use as a public car park.

The west of the site is bounded by the River Don with New York Stadium beyond. To the north-west on the opposite side of the River Don is the derelict Guest and Chrimes building. To the immediate south of the site is a timber yard, whilst a telephone exchange building and vacant land sits to the north of the site, with a mixture of residential and commercial premises to the east.

Background

There have been numerous planning applications submitted relating to this site, none of which have any implication on the current proposal.

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 is for the redevelopment of the site that will consist of 34 dwellinghouses and 44 apartments split between two buildings, one 4 storeys high and one 5 storeys high, sited either side of the proposed vehicular access.

The development would be accessed via a single access off Sheffield Road, with the two apartment blocks sited either side of the new road. These blocks would be set back from the eastern boundary with an area of public space proposed fronting Sheffield Road.

RMBC Housing Services will manage all the communal elements – including bin stores, bike stores, landscaped areas, retaining structures, private roads and car parking etc. This was stated in the report that went to Cabinet on 21 October 2019.

The access road then leads to a 'T' junction that will run north-south with residential dwellings sited either side. There would be a landscaped area that would be open to the public between the apartment blocks and the eastern row of dwellings. The western dwellings would face a 'riverside wall' and the River Don.

There will be a mixture of house types proposed which would include 2 and 3 bed, and the apartments would be 1 or 2 bed.

The dwellings will be a mixed of terraced / townhouse, semi-detached and Quad style, on either side of the internal access road, with those facing the River Don being three-storey and having a terrace facing the river. Each dwelling would have at least one parking space to the front of the property, while some have two.

The apartment blocks will both be of flat roof forms, although they will be different in appearance. The four-storey block would be of a simple form, while the five-storey building will be of a different material and have a projecting element to the front elevation facing Sheffield Road, along with balconies. The northern elevation of the five storey block has been amended during the course of the application to provide oriel style windows to habitable room that would be full height and angled either towards the front or to the rear of the site, so as to minimise any overlooking of the vacant area of land to the north of the application site that may be developed for further housing in the future.

Both apartment blocks have undercroft parking for vehicles and bikes. There will be 24 parking spaces under one apartment block and 19 spaces under the other apartment block. Some of the spaces to the rear of the northern apartment block will be 'outside' and only enclosed by fencing around the perimeter.

The dwellings and apartment blocks would be constructed in a mixture of red, grey and brown facing bricks with various design features.

The scheme has been provided with a 'riverside walk' along the western boundary of the site with the River Don and there is scope to extend this northwards towards Main Street should neighbouring sites come forward for development in the future.

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

Design and Access Statement

The statement provides details on the site and its surroundings, the proposal including its design, materials, and landscape and access arrangements.

Transport Statement

The purpose of this Transport Statement is to set out the transport issues relating to the development proposals.

It concludes that the development can be accessed in a safe manner and the impact of the scheme on nearby junctions is considered to be negligible. It is therefore concluded that there are no material highway or traffic reasons why planning permission should not be granted.

Travel Plan

The Travel Plan provides details of measures that will be implemented in order to minimise the use of single occupancy private car in making journeys to and from the site.

The development will provide £500 per household to fund travel plan measures for the future residents of the site.

Noise Assessment

The assessment concludes that minimum glazing and ventilation specifications are predicted to afford sufficient protection across the site to mitigate against temporary increases in ambient noise level due to noise from the nearby football stadium.

Consideration has also been given to noise levels in external amenity areas. The majority of the site is predicted to be exposed to typical daytime noise levels suitable for use as external amenity according to the guidance outlined on BS 8233. Areas of the site toward the eastern site boundary are predicted to exceed the upper guideline noise limits with regard to relevant guidance. Mitigation in the form of localised screening could be used to reduce noise levels; however it may not be possible to reduce levels across all areas of the site below the upper guideline noise limit from road traffic and neighbouring business.

Affordable Housing Statement

The Affordable Housing provision on the site will exceed the Council's 25% requirement. The scheme is intended to be 56% Affordable Housing, comprising:

- 34 x houses for Market Sale
- 44 x apartments for Affordable Rent

A grant funding bid will be submitted to Homes England to support the delivery of the affordable units within the scheme. All of the affordable properties will be let directly by the Council.

Following consultation with the Council's Affordable Housing Co-ordinator the applicant understands that the Affordable Housing will be secured via a planning condition.

Building for Life

This document assesses the proposed scheme against the BfL standard checklist. The applicant indicates that the scheme satisfies all 12 of the criteria.

Tree Survey

The survey confirms that there are 16 items of woody vegetation, comprised of 12 individual trees and 4 groups of trees or shrub / hedge groups. Of the surveyed trees: 2 trees are retention category 'B'; and the remaining 14 trees and groups are retention category 'C'.

The tree cover within the site consists mainly of individual boundary trees, both on site and adjacent land. The central areas of the site contain little of arboricultural significance, generally consisting of self-set, low-value Buddleia shrubs.

Most of the trees are semi-mature with only occasional early mature to mature trees.

The survey concludes that the higher value retention category 'B' trees and groups should be retained, where possible, and incorporated into any new development design. Where suitable, those category 'C' trees and groups with reasonable future prospects should be retained as part of any new development.

The retained trees should be suitably protected during construction phase.

Flood Risk / Drainage Statement

The statement confirms that the site falls within Flood Zone 3 and there is a minor risk of surface water flooding that can be ameliorated by making the alteration to the appropriate ground level.

It further states that the design of surface water drainage should ensure that there are no uncontrolled off-site overland flood flows and such flows should be contained on site within the landscaped areas or the adoptable highway, ensuring there is no increased flood risk to third parties, important infrastructure or properties.

Ecological Appraisal

The assessment provides recommendations in respect of further surveys needed, advice on appropriate lighting schemes, and that any site clearance should take place outside of the breeding bird season.

It also suggests post development enhancements in respect of sensitive planting schemes.

Bat Activity Survey

The survey concluded that there was no evidence of bats or bats in situ during the preliminary survey. It further states that no formal mitigation is recommended, however best practice is recommended which includes:

- Should the trees on the western boundary be proposed for removal it is recommended that they are soft felled under the presence of a suitably qualified ecologist;
- No impacts are predicted in respect of the loss of foraging grounds and the proposed action will not be detrimental to bat use of the general area if a suitable lighting strategy and green corridor are implemented as outlined within the preliminary ecological appraisal report for the site (February 2019);

- Any re-development should seek to enhance the site for bats in line with planning policy.

Ground Investigation Report

The report provides details in respect of contamination on the site, and sets out a number of remediation measures that should be included in the construction of the scheme and also provides details for further assessments.

Archaeological Desk-based Assessment

The assessment notes that examination of historic mapping indicates that there have been two distinct land-uses within the Site. Firstly, it appears that development within the east of the Site may have followed the medieval three-zone model. This was gradually replaced by increasing industrialisation from c. 1850 onwards.

It is anticipated that archaeological survival may be high but that severe truncation will have occurred.

It is recommended that discussions with the South Yorkshire Archaeology Service are entered into with a view of seeking agreement on the recording of the south boundary wall and the further evaluation of the Site by trial trenching.

Development Plan Allocation and Policy

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

The application site is allocated for Mixed Use purposes (MU10) in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
 CS3 'Location of New Development'
 CS7 'Housing Mix and Affordability'
 CS13 'Transforming Rotherham Town Centre'
 CS14 'Accessible Places and Managing Demand for Travel'
 CS20 'Biodiversity and Geodiversity'
 CS21 'Landscapes'
 CS22 'Green Space'
 CS23 'Valuing the Historic Environment'
 CS25 'Dealing with Flood Risk'
 CS26 'Minerals'
 CS27 'Community Health and Safety'
 CS28 'Sustainable Design'
 CS31 'Mixed Use Areas'
 CS33 'Presumption in Favour of Sustainable Development'
 SP26 'Sustainable Transport for Development'
 SP32 'Green Infrastructure and Landscape'
 SP33 'Conserving the Natural Environment'

SP35 'Protected and Priority Species'
SP36 'Soil Resources'
SP37 'New and Improvements to Existing Green Space'
SP41 'Listed Buildings'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP55 'Design Principles'
SP56 'Car Parking Layout'
SP65 'Development Within Mixed Use Areas'
WCS7 'Managing Waste in All Developments'

Other Material Considerations

National Planning Practice Guidance (NPPG)

National Planning Policy Framework: The revised NPPF came into effect in February 2019. 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.

Council's Adopted Parking Standards

Town Centre Masterplan

South Yorkshire Residential Design Guide

Publicity

The application has been advertised by way of press and site notice along with individual neighbour notification letters to adjacent properties. 1 letter of representation has been received from Sheffield and Rotherham Wildlife Trust who have indicated that: *"We support the recommendations of the ecology report for native wildflower and tree planting, incorporation of bat/bird boxes within the development, a sensitive lighting scheme to avoid light spill onto the western elevation of the site and River Don and for a survey for water vole and otter to be carried out should any invasive works be required within five metres of the bank edge. Any vegetation clearance should take place outside of the bird breeding season between March and September."*

The applicant has requested the Right to Speak at the Meeting.

Consultations

RMBC – Transportation Infrastructure Service: No objections subject to conditions.

RMBC – Conservation (Consultant): No objections.

RMBC – Leisure and Green Spaces Manager: No objections subject to s106 contribution towards green infrastructure improvements in the town centre area.

RMBC – Tree Service Manager: No objections subject to conditions.

RMBC – Landscape Design: Have no objections subject to conditions.

RMBC – Drainage: No objections subject to conditions.

RMBC – Affordable Housing Officer: No objections.

RMBC – Ecologist: Have no objections subject to conditions.

RMBC – Environmental Health: No objections subject to conditions.

RMBC – Education: An Education contribution would be requested for this development for Secondary Education. The school, Oakwood High, is always oversubscribed. As per the S106 policy it would be the number of open market dwellings chargeable x £2,521.

RMBC - Land Contamination: No objections subject to conditions.

Historic England: No objections.

NHS: There are enough primary care services in the area.

SY Police Architectural Liaison Officer: No objections subject to the scheme being designed to Secured by Design Standards.

South Yorkshire Archaeological Service: No objections subject to conditions.

Geology (SAGT): No objections.

Canal & River Trust: No objections subject to conditions.

SYPTTE: Recommend bus stop upgrades via a S106.

Environment Agency: No objections subject to conditions.

Yorkshire Water: No objections.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of development
- Design considerations (inc. layout, scale)

- Impact on Heritage Assets (inc. Archaeology)
- Highway considerations
- General Amenity
- Landscapes and Trees
- Ecology
- Green Space
- Drainage and Flood Risk
- Impact on Waterways
- Affordable Housing
- Land Contamination
- Education
- Waste Management

Principle

The site is allocated for Mixed Use in the Local Plan (MU10) with Policy SP65 'Development within Mixed Use Areas' identifying appropriate uses as C2 (Residential Institutions), C3 (Dwellinghouses) and D1 (Non-residential institutions).

The proposed residential development falls within one of the appropriate uses identified above and the principle of development is acceptable.

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

Paragraph 12 of the NPPF states: *"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted..."*

Access to Community Facilities

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

The site is within close proximity to a number of shops and services given its location close to the town centre. Accordingly, the scheme would be in full compliance with the requirements of policy SP64.

The remainder of the report will assess whether there is any reason which outweighs the presumption in favour of sustainable development.

Design considerations (inc. layout, scale)

The NPPF at paragraph 124 states: *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 127 of the NPPF states planning decisions should ensure that developments add to the overall quality of the area are visually attractive as a result of good architecture and are sympathetic to the local character.

Policy CS28 ‘Sustainable Design’ states design should take all opportunities to improve the character and quality of an area and the way it functions. Policy SP55 ‘Design Principles’ adds that all forms of development are required to be of a high quality, incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area.

The two apartment blocks act as key buildings and create a gateway into the site, and also into the town centre. Whilst of flat roof forms, they are of differing heights, materials and individual designs which is considered will significantly enhance the streetscene in this locality and positively contribute to the local character and distinctiveness of the area. The two apartment blocks from a design perspective are considered to be of a high quality that will ensure they are visually attractive, but also sympathetic to the local character. The public squares facing onto Sheffield Road will provide an attractive and active frontage to Sheffield Road, as well as providing a visual and noise buffer for the apartments.

With respect to the dwellinghouses sited to the rear of the apartment blocks, their differing designs with a variety of heights and design features will ensure that they are also visually attractive buildings, which will further enhance the character and quality of the area. In addition, those that face the River Don will have extensive views over the river and the riverside walkway that will make them highly desirable and ensure that the river is brought back to being an important part of the town.

With regard to the site’s layout this has been dictated by the need to provide housing that faces the river but also provides a strong attractive frontage to Sheffield Road. It is considered that the relationship between the houses and apartments is acceptable and the incorporation of pockets of open space to the rear of the apartments ensures that the site is not overly developed.

Due to the site being situated next to the River Don, retaining walls are needed to reduce the chance of flooding by raising levels in some areas and reducing levels in others to allow for flood compensation. The appearance of the flood wall along with the materials used in the riverside walk, which has potential to be connected to neighbouring sites in the future, will be key in ensuring these features are of a high quality and attractive to users.

It is considered that from a design perspective the proposed development would be in full compliance with the requirements of Local Plan policies and NPPF paragraphs referred to above.

Impact on Heritage Assets

The site is located in close proximity to the Grade II listed Cutler Arms and given the height of the proposed development, the impact on views of the Grade I listed Minster Church of All Saints Rotherham is to be considered in accordance with NPPF and Local Plan policies CS23 'Valuing the Historic Environment' and SP40 'Listed Buildings'.

Paragraph 192 of the NPPF states in determining applications consideration should be had to the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 to 202 sets out what should be considered when assessing the potential impacts of a proposal on heritage assets.

Policy CS23 'Valuing the Historic Environment' states Rotherham's historic environment will be conserved, enhanced and managed, in accordance with several principles. One of which states: *"The character and setting of Rotherham Minster...will be conserved and enhanced. Proposals will be supported which respect and enhance key views and vistas..."*

Policy SP40 'Listed Buildings' states development affect a listed building's setting will be considered against a number of principles, one of which states: *"...the Council encourages the development of good quality, contextual design, including any development within the setting of Listed Buildings. Development which has an adverse effect on the setting of Listed Buildings will not be acceptable..."*

The Cutler Arms is a purpose-built public house dating from 1907 and its wider setting has been an ever-evolving mix of building typologies of varying scale, form, massing and height. Indeed, it is suspected that the height of some of the surrounding foundries, particularly given the scale indicated on historic plans, would have been the equivalent of modern day 4-5 storey buildings. Accordingly, there are no conservation concerns in respect of the current proposals for this site in terms of any potential harm to the setting of this listed building.

With regard to the Minster Church of All Saints Rotherham, the application site lies within the wider setting of this Grade I listed building, which is a central landmark within the town since the 15th Century. It sits on an elevated site, therefore visibility and consequently views of the Minster form an important part of its setting and as such its significance. Whilst there may be a minor impingement on the views of the Minster for approximately 10 metre duration along Sheffield Road, this impingement is not considered to be significantly adverse or detrimental to the setting of the Grade I listed building. Therefore, the Minster will still largely remain visible from this key gateway into the town.

Accordingly, it is considered that the proposed development, in particular the two apartment blocks, would not adversely impact on the setting of the Grade II listed Cutler Arms or the Grade I Minster, and as such the scheme would comply with the requirements of the NPPF and Local Plan policies CS23 'Valuing the Historic Environment' and SP40 'Listed Buildings'.

Further to the above, the archaeological desk-based assessment, submitted by the applicant, has identified that some medieval features may exist and significant archaeological potential exists for industrial development in the post-Medieval period. It recommends that this be investigated by archaeological evaluation trenching prior to development. SYAS have accepted this recommendation and following evaluation, there may be a need for further archaeological excavation before or during development. This can only be determined by the results of the trenching. Accordingly, a suitably worded condition should be appended to any approval.

Highway considerations

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."*

The NPPF further notes at 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."*

The submitted Transport Statement has demonstrated that the site is highly accessible with good public transport links associated with being located in close proximity to Rotherham Town centre. There are bus stops with high frequency services located along the site frontage, Rotherham Interchange and Rotherham Central railway station are located in close proximity to the site and it is considered that the facilities for walking / cycling to local facilities are also good. The site is expected to generate few peak hour vehicle trips.

In respect of car parking, it is noted that there will be 24 parking spaces under one apartment block and 19 spaces under the other apartment block, (total 43) though this is still below the Council's standards of 1.5 per flat (44 apartments would warrant 66 spaces). Each dwelling would have at least one parking space to the front of the property, while some have two. 47 spaces would be required to meet the Council's guidance for the dwellings and only 41 are proposed.

Notwithstanding the above, the site is considered highly sustainable for the reasons outlined above and as such the level of parking for this development in this location is considered sufficient.

Further to the above it is noted that the scheme if implemented will require:

- 1) The closure of part of Water Lane (adopted highway). The formal closure should be undertaken by the applicant prior to works on this part of the site. The applicant should contact the Council's adoptions officer to discuss further.
- 2) The relocation of the bus stops fronting the site to a location / design agreed with South Yorkshire Passenger Transport Executive. This should be at the applicant's expense and be implemented prior to the proposed access being brought into use.
- 3) The proposed location of the access will result in the closure of an on street car parking bay. This will require an alteration to the existing Traffic Regulation Order which will need processing prior to the closure. The applicant should contact the Council's Transportation Infrastructure Service in this regard. The works will be at the applicant's expense.
- 4) The relocation of the existing dropped pedestrian crossing with tactile paving currently located in the proposed site access.

It is considered that the above can be secured either via a planning condition or informatives and as such on the basis of the above and subject to conditions and a sustainable travel contribution of £500 per dwelling being secured via a s111 there are no objections to the scheme from a highways perspective.

As discussed above the development is well served by public transport with good links to employment, education and amenities via public transport, either directly or with interchange. Accordingly, South Yorkshire Passenger Transport Executive has requested improvements to two bus stops close to the site via a financial contribution secured by a s111 agreement.

Therefore having regard to the above the proposed development in respect of highway impact would comply with the requirements of the NPPF and Local Plan policies referred to above.

General Amenity

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 minimise health inequalities."* It further states: *"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."*

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."*

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

Paragraph 180 of the NPPF states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should, amongst other things, mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

It is considered that the proposed buildings would not detrimentally impact on occupiers of adjacent surrounding properties by virtue of their siting, design features, height, mass, form and scale, together with the orientation of the site, land levels and distance to neighbouring properties. This is due to the fact that the buildings would not impact on the outlook from neighbouring properties by being overly dominant or visually oppressive, and it is noted that there are no residential properties in close proximity to the site.

Furthermore, it is considered that the apartment blocks hereby proposed are a sufficient distance from the rear of the nearest proposed houses to ensure that they would not appear overly dominant or oppressive. In addition, they would not result in any overlooking issues or overshadowing.

The internal accommodation of the proposed apartments satisfies the internal space requirements set out in the South Yorkshire Residential Design Guide and the distance between buildings also conform to the SYRDG.

Further to the above, a noise report was submitted with the application to assess the impact of existing neighbouring land uses on future occupants of the dwellings and apartments. The report indicates that minimum glazing specification to reduce internal noise levels to an acceptable level in accordance with British Standards is recommended. It also highlights that any gardens within approximately 40-60m of the eastern site boundary adjacent to Westgate are likely to be exposed to noise levels of ≥ 55 dB LAeq, 16hr.

The Council's Environmental Health department have indicated that although it may not be possible to reduce levels to ≤ 55 dB LAeq, 16hr, noise mitigation measures will be necessary to reduce as far as reasonably practicable noise levels in these areas to ≤ 55 dB LAeq, 16hr from both road traffic and neighbouring businesses.

With regard to the above it is recommended that conditions requiring glazing and ventilation to meet recommended specifications and the submission of details of proposed mitigation measures to ensure that noise to amenity areas are reduced are imposed on any approval, although it is considered that the apartment blocks to the front of the site will help block some noise to the dwellings at the rear.

Accordingly, subject to conditions it is not considered that the proposed development would give rise to any significant adverse amenity impact and the scheme would comply with the requirements of the NPPF and Local Plan policies CS27 'Community Health and Safety' and SP52 'Pollution Control'.

Landscapes and Trees

Policy CS21 'Landscape' states: *"New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes..."*

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

The site lies in a prominent gateway location to Rotherham Town Centre with a street frontage to Westgate and a boundary with the River Don. The site falls within the River Don Strategic Green Infrastructure corridor.

The proposals include for a mix of dwelling houses and apartments and include parking, cycle and bin storage, and open space. The site plans show taller buildings forming prominent street scene to the Westgate Frontage. Lower height individual dwellings are shown adjacent to the River Don. The scheme provides for private amenity space on site for residents and public open space, which is situated centrally within the site.

The scheme also makes provision for a new pedestrian and cycle route along the Riverside and this is welcomed as this is a long standing ambition of the Council to put the River and Canal back at the heart of the town. Furthermore, the provision of the Riverside walk is considered to deliver on a key goal of Rotherham Town centre SPD which is: *“We want the river and the canal to form a key part in the town’s future. Development along the river and canal must be of a high quality and must follow an agreed Masterplan. We want the River and canal to become much loved parts of the Town with public spaces and walkways lining their banks.”*

It is therefore considered that from a landscape perspective there are no objections to the scheme subject to conditions being imposed to ensure a high quality public realm and an appropriate soft landscape scheme being submitted to and approved by the Council.

In terms of the impact on trees, there are to be 4 trees retained on the site, 8 are to be removed and 16 trees are proposed to be planted within the site. Whilst the Council’s Tree Service has raised no objection to the development in principle, they have stated that the proposed tree plan is poor and will fail to provide the vision described in the Design and Access Statement. The development will see a significant increase in built form and increased pressure on the already sparse green infrastructure of the local area. The Council’s Tree Service have indicated that there needs to be replacement planting along the riverside walk to help reduce the impact of the increased built form and to create the environment described in the application. Furthermore, space for more tree planting in the streetscene also needs to be incorporated.

This can be achieved via the imposition of an appropriately worded condition which seeks the submission of full planting specification, including tree size, species and numbers, along with comprehensive details of ground / tree pit preparation.

Therefore, subject to conditions the proposed development is considered to comply with the requirements of Local Plan policies CS21 ‘Landscape’ and SP32 ‘Green Infrastructure & Landscape’.

Ecology

Policy CS20 ‘Biodiversity and Geodiversity’ states the Council will conserve and enhance Rotherham’s natural environment, and biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.

The submitted Preliminary Ecological Assessment and Bat Activity Survey have been assessed by the Council’s Ecologist and there are no issues with the survey reports and there are no ecological issues with the proposal subject to the imposition of suitably worded conditions and informatives. These will relate to advice on wildlife friendly lighting; avoid work during nesting bird season and biodiversity enhancements.

Accordingly, subject to conditions the proposal would comply with the requirements of policy CS20 ‘Biodiversity and Geodiversity’.

Green Space

Policy CS22 'Green Space' states: *"The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community..."*

Policy SP37 'New and Improvements to Existing Green Space' states residential developments of over 36 dwellings or more shall provide 55 sq. metres of Green Space per dwelling on site. It further states: *"where the characteristics of the site and the nature of the proposals are likely to impact on the delivery of the Green Space... then evidence shall be provided with the planning application to justify any lower level of Green Space provision on site or off-site contributions."*

On such a site in the town centre, the scheme cannot provide the necessary amount of new green space. There is no loss of existing recreational space. The public space proposed by the developer on the gateway to the site is not suitable for formal or informal recreation. On this basis it is appropriate that a suitable S106 contribution is made for green infrastructure improvements in the town centre area. This may include tree planting and maintenance, public art or improvements to existing green spaces.

In light of the above, the applicant has agreed to pay a financial contribution of £30,466 towards improvements to green infrastructure improvements in the town centre area.

Drainage and Flood Risk

Policy CS25 'Dealing with Flood Risk' states: "Proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall..." In addition, SP47 'Understanding and Managing Flood Risk and Drainage' states: *"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...c) consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties."*

The site falls within Flood Zone 3 and within an area whereby the Environment Agency and the Council have been collaborating to provide extensive planned and ongoing river flood alleviation works to create a net reduction in flood levels and reduce the overall flood risk in Rotherham. Furthermore, any scheme will have to be compliant with the technical requirements of the Flood Risk Tool Kit.

Information has been submitted, which is supported by the Council's Drainage Section, that the proposed development subject to conditions will adhere to the Flood Risk Tool Kit and will ensure the development will not pose a risk to the future occupiers of the site or to neighbouring sites from flooding.

The information required by the conditions will include the submission of a surface water drainage scheme; details of flood defence infrastructure if required; floor levels should be a minimum of 29.7m A.O.D; and a flood route to be submitted.

The Environment Agency has indicated that the submitted information is sufficient and subject to a condition requiring the development to be carried out in accordance with the submitted information they have raised no issues with the scheme.

Therefore with regard to the above it is considered that subject to conditions the proposed development would not have an adverse impact on flood risk either for future occupants or neighbouring sites and as such the scheme would comply with the Local Plan policies referred to above.

Impact on Waterways

Impact on the structural integrity of the river bank:

The site is supported, in part, above the River Don by a stone retaining wall. The River Don below the site is managed by the Canal & River Trust as Navigation Authority and landowner. There is risk that works on site, through the construction and foundations or any levelling works on site, could result in additional loading upon the wall, which could increase the risk of its future collapse.

In line with the aims of paragraph 178 (part a) of the NPPF, planning decisions should ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks from instability. The NPPG indicates that planning authorities can, through the development management process, mitigate and minimise risks by establishing the principle and layout of new development and ensuring proper design of buildings and their structures to cope with any movement expected or other hazards.

To address the above, a condition shall be appended to any approval requiring the submission of a risk assessment and method statement to outline the proposed works and foundation design to ensure that the final design would not result in adverse loading on the retaining structure.

Impact on the character and appearance of the waterway corridor:

The development would be visible from the River Don corridor. The Canal & River Trust welcome the principle of redevelopment, which, if done correctly, has the potential to enhance the character and appearance of the waterway corridor. A suitably worded condition requiring information in respect of public realm improvements shall be appended to any approval.

Proposed Removal of Trees:

Whilst the redevelopment would result in the loss of the car park, which currently detracts from the river corridor, the Canal & River Trust are concerned that the proposals seek to remove significant proportion of trees on site, with only one tree retained adjacent to the river. They further state that this removal of trees could make the riverside environment appear visually hard and could detract from the semi-natural environment common to the river corridor through Rotherham, as such additional tree planting should be incorporated within the scheme.

In respect of the above comments it is of note that the Council's Tree Service have recommended a condition requiring details of replacement planting and have also raised concerns regarding the lack of replacement planting. This would need to be addressed as part of the landscaping condition attached to any permission.

Relationship of the Development to the Riverside Walkway:

Whilst the riverside walk could be a positive feature, the Canal & River Trust note that several residential units would feature windows directly up against the pathway, which could affect future residents given the use of a small verge of defensible space in front of the units. There are clear advantages in allowing views to the pathway from these properties, and the use of dwarf walls or railings would discourage pedestrians from walking up against the doors and windows of properties here. This will be assessed as part of a condition requiring the submission of boundary treatments.

The Canal & River Trust are concerned that there is risk that vehicles could access the walkway and bollards or other appropriate restriction should be incorporated, and it is considered reasonable to append a condition to request a scheme for bollards.

Comments on the Riverside Elevation of the Proposed Town Houses:

The Canal & River Trust welcome the use of terraces and balconies looking onto the river, however they have raised concerns that the riverside elevation includes long stretches of featureless walls, which could visually affect the riverside path and river corridor. As set out above details of the public realm improvements shall be secured via condition.

Boundary Treatment facing the River:

The proposals do not clarify whether boundary treatments are proposed between the riverside path and the river. The design and height of any boundary treatment could have a significant impact on the character and appearance of the river. Accordingly, a condition shall be appended requiring details of any boundary treatment within 5 metres of the River Don.

Impact on water quality:

The site is on previously developed land, which could feature contamination and there are risks that construction works could expose these contaminants to the local environment. To reduce the risk appropriate land investigation works and mitigation measures should be undertaken as part of a suitably worded condition.

Impact on the biodiversity of the river corridor:

The protection of the ecological environment and promotion of net-improvements to biodiversity is promoted by CS20 'Biodiversity and Geodiversity' and paragraph 170(d) of the NPPF. In order to ensure the development accords with these aims, native species should be used in any new planting scheme to offset the harm caused by the removal of trees on site and incorporate bat boxes on site.

Affordable Housing

The Affordable Housing provision on the site will exceed the Council's 25% requirement. The scheme is intended to be 56% Affordable Housing, comprising:

- 44 x apartments for Affordable Rent

A grant funding bid will be submitted to Homes England to support the delivery of the affordable units within the scheme. All of the affordable properties will be let directly by the Council.

This scheme complies with the Council's affordable housing policy set out at policy CS7 'Housing Mix and Affordability'. This is a regeneration scheme which is being developed by the Council and therefore all the affordable housing units will be occupied by people on the Council's housing waiting list.

Land Contamination

The site has been occupied by several factories and some housing in the western half of the site since 1853 to at least 1937. Following this date the site was subsequently occupied by a transport depot, a grain house, a heat treatment works and by a public baths in the eastern half of the site until approximately 1993. All structures on site have now been demolished.

The site investigation report has also concluded that some leaching of metals and PAHs from the soil is occurring; and with the presence of the adjacent River Don betterment should be considered to reduce the risk to groundwater from leachable soil contamination. Remediation measures, therefore, should also include for betterment measures for controlled waters which may comprise the removal of some made ground material from across the site.

It is considered there is potential for the site to have been impacted from both on site and off site sources of contamination. Therefore, conditions will need to be imposed to ensure further investigative works are undertaken and mitigation measures provided.

Education

An Education contribution would be requested for this development for Secondary Education. The school, Oakwood High is always oversubscribed. As per Education Service S106 policy it would be the number of dwellings chargeable x £2,521. This equates to £2,521 x 34 (as affordable housing units are not chargeable) = £85,714.

Waste Management

Policy WCS7 'Managing Waste In All Developments' requires all development proposals (excluding minor planning applications) to submit a waste management plan as part of the planning application. No Waste Management Plan has been submitted with the application, however it has been agreed that this will be conditioned as there is currently no known end user at this time.

Conclusion

It is concluded the application represents an acceptable form of development on this key gateway site which is of an appropriate design that would not adversely affect the character or appearance of the locality. Furthermore, subject to conditions, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or drainage, ecological, environmental or mining concerns, while providing much need affordable housing.

The proposal is therefore considered to comply with the up-to-date development plan and there are no material considerations that would conflict with this, thus as advocated in paragraph 11 of the NPPF the proposal constitutes sustainable development and the application should be approved “without delay”.

The application is therefore recommended for approval subject to conditions and the signing of a s106 agreement for the provision affordable housing on site and financial contributions towards improvements to, and maintenance of the public open space, education places and promotion of sustainable travel measures.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **5, 24, 26, 27 and 33** of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers **5, 24, 26, 27 and 33** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

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

SRC-ACE-00-XX-DR-C-50-0169-P01, received 1 October 2019

SRC-BBA-ZZ-XX-DR-A-1010-P10, received 9 October 2019

SRC-ACE-00-XX-DR-C-50-0161-P04, received 15 July 2019

SRC-BBA-Z0-00-DR-A-2001-P03, received 22 October 2019

SRC-BBA-Z0-01-DR-A-2002-P03, received 22 October 2019

SRC-BBA-Z0-02-DR-A-2003-P03, received 22 October 2019

SRC-BBA-Z0-03-DR-A-2004-P03, received 22 October 2019

SRC-BBA-Z0-04-DR-A-2005-P03, received 22 October 2019

SRC-BBA-Z0-05-DR-A-2006-P03, received 22 October 2019

SRC-BBA-Z0-XX-DR-A-3001-P03, received 22 October 2019

SRC-BBA-Z2-XX-DR-A-3001-P03, received 15 July 2019

SRC-BBA-Z2-XX-DR-A-3002-P03, received 15 July 2019

SRC-BBA-Z3-XX-DR-A-0001-P04, received 15 July 2019
SRC-BBA-Z3-XX-DR-A-3001-P02, received 15 July 2019
SRC-BBA-Z3-XX-DR-A-3002-P03, received 15 July 2019
SRC-BBA-Z3-XX-DR-A-3003-P03, received 15 July 2019
SRC-BBA-Z4-XX-DR-A-0001-P02, received 15 July 2019
SRC-BBA-Z5-XX-DR-A-0001-P01, received 15 July 2019
SRC-BBA-Z6-XX-DR-A-0001-P02, received 15 July 2019
SRC-BBA-Z7-XX-DR-A-2001-P01, received 15 July 2019
SRC-BBA-ZZ-00-DR-A-1003-P17, received 9 October 2019
SRC-BBA-ZZ-01-DR-A-1007-P08, received 15 July 2019
SRC-BBA-ZZ-XX-DR-A-1001-P02, received 15 July 2019
SRC-BBA-ZZ-XX-DR-A-1005-P11, received 15 July 2019
SRC-BBA-Z0-XX-DR-A-3002-P03, received 22 October 2019
SRC-BBA-Z0-XX-DR-A-3003-P03, received 22 October 2019
SRC-BBA-Z0-XX-DR-A-3004-P03, received 22 October 2019
SRC-BBA-Z0-XX-DR-A-4001-P03, received 22 October 2019
SRC-BBA-Z0-XX-DR-A-4002-P03, received 22 October 2019
SRC-BBA-Z1-00-DR-A-2001-P02, received 15 July 2019
SRC-BBA-Z1-01-DR-A-2002-P02, received 15 July 2019
SRC-BBA-Z1-02-DR-A-2003-P02, received 15 July 2019
SRC-BBA-Z1-03-DR-A-2004-P02, received 15 July 2019
SRC-BBA-Z1-RF-DR-A-2005-P02, received 15 July 2019
SRC-BBA-Z1-XX-DR-A-3001-P02, received 15 July 2019
SRC-BBA-Z1-XX-DR-A-3002-P02, received 15 July 2019
SRC-BBA-Z1-XX-DR-A-3003-P02, received 15 July 2019
SRC-BBA-Z1-XX-DR-A-3004-P02, received 15 July 2019
SRC-BBA-Z1-XX-DR-A-4001-P02, received 15 July 2019
SRC-BBA-Z1-XX-DR-A-4002-P02, received 15 July 2019
SRC-BBA-Z2-XX-DR-A-0001-P04, received 15 July 2019

Reason

To define the permission and for the avoidance of doubt.

03

The development shall provide 44 affordable housing units (56% of the total units proposed) on site, unless otherwise agreed in writing by the Local Planning Authority. These units shall relate to the apartments and be for Affordable Rent.

Reason

In the interests of securing affordable housing.

04

No development shall take place above ground level 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.

Highways

05

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

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the construction work;
- the location of the site compound and staff parking;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of proposed hours of construction on/deliveries to the site;
- measures to prevent exposure of the water environment from dust, debris or silt-laden run-off from the construction 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 amenity.

06

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

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

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

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

07

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

Reason

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

08

Construction of road sections, constructional and drainage details shall not commence until details have been submitted to and approved by the Local Planning Authority.

Reason

No details having been submitted they are reserved for approval.

09

Details of the provision of bollards to prevent unauthorised vehicular access to the riverside walk shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

Reason

In the interest of pedestrian amenity.

10

When the proposed access has been brought into use, the existing accesses marked on the site plan shall be permanently closed and the footway / kerbline reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interests of road safety.

11

Prior to construction of the proposed site access, a scheme shall be submitted and agreed with the Local Planning Authority for the relocation of the existing pedestrian crossing (dropped kerb / tactile paving) in Sheffield Road which will be lost as a result of the proposed site access. The agreed scheme shall be implemented prior to the site access being brought into use.

Reason

In the interests of road safety.

12

Prior to the development being brought into use, 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.

Amenity

13

Glazing and ventilators shall meet the following specifications in terms of minimum sound insulation performance. Any variation from these specifications requires written approval from the Local Planning Authority prior to first use of the building:

Dwellings	Façade	Minimum sound insulation performance	
		Glazing (dB Rw + Ctr)	Ventilator (dB Dn,e,w +Ctr)
Blocks A & B	North, East & South	36	42
	West	28	36
All other	All Facades	28	36

Reason

In the interests of the amenity of future occupants.

14

No development shall take place above ground level of the buildings hereby proposed until the applicant has submitted details of proposed mitigation measures to ensure that noise to amenity areas (gardens) located within 60m of the eastern site boundary adjacent to Westgate are reduced to ≤ 55 dB LAeq,16hr. No development above ground level on the buildings hereby approved shall take place until noise mitigation methods are agreed in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details.

Reason

In the interests of the amenity of future occupants.

Drainage

15

Construction of roads, dwellings or flood defence 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 completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus 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.

16

Construction of roads or dwellings or flood defence infrastructure shall not begin until details of the flood defence infrastructure been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason

To ensure that the development will be safe from flooding and compatible with compatible with future phases of the Rotherham Renaissance Flood Alleviation Scheme in accordance with the Local plan and the NPPF.

17

Development shall be carried out in accordance with the submitted Flood Risk Assessment to mitigate on and off site flood risk. Floor levels and flood susceptible infrastructure should be a minimum of 27.9m A.O.D.

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.

18

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.

19

The development shall be carried out in accordance with the submitted response letter to the Environment Agency dated 22/8/19 completed by Adept including Typical Sections reference SRC-ACE-00-XX-DR-C-50-0169-P01 and Level Plan reference SRCACE-00-XX-DR-C-50-0199-P02 drawings, Flood Risk Assessment reference 00.19029- ACE-RP-C-0001 Dated 1st July 2019 and the following mitigation measures detailed within:

- Minimum ground levels shall be set no lower than 28.0 m above Ordnance Datum (AOD).
- Minimum level of access must be maintained as demonstrated in 'typical section' drawing reference SRC-ACE-00-XX-DR-C-50-0169-P01.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants; to comply with the requirements set out in the 'Rotherham Flood Risk Toolkit' and maintain sufficient access for inspection and maintenance.

Landscapes

20

Prior to any above ground development taking place, details of materials to be used in the hard landscaping to the public realm area incorporating the Riverside walk shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be prepared to a minimum scale of 1:500 and shall clearly describe in plan, section and by visual representation:

- Existing and proposed finished levels or contours, including steps, embankments and retaining structures required directly by the development.
- Means of enclosure and boundary treatments including to the Riverside walk.

- Pedestrian access and circulation areas
- Hard surfacing materials (excluding highway/carparks).
- Minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting and CCTV).
- Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, inspection chambers, etc)
- Retained existing site features and proposals for restoration, where relevant.

Development shall thereafter be implemented in accordance with the approved details within the timescale to be agreed in writing with the Local Planning Authority.

Reason

To ensure that appropriate materials are used in the construction of the public realm in the interests of visual amenity.

21

Prior to any above ground development taking place, full details of the hard and soft landscaping works for the development and public realm areas to the front and rear of the apartment blocks have been submitted to and approved in writing by the Local Planning Authority. Soft landscape details shall include:

- A fully designed and detailed planting plan at a suitable scale.
- A written specification for ground preparation and soft landscape works.
- Schedules of plants, noting species, planting sizes and quality, and proposed numbers and planting densities.
- An implementation programme.
- Replacement planting, for a period of 5 years after completion of the planting scheme.
- Written details of the responsibility for maintenance and a schedule of operations.

The scheme shall thereafter be implemented in accordance with the approved landscape scheme within the 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.

Ecology

22

The development shall be carried out in accordance with the recommendations of the submitted and approved Preliminary Ecological Assessment (dated 28 February 2019). Thereafter such approved measures shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In order not to disturb any bats or birds and to make adequate provision for species protected by the Wildlife & Countryside Act 1981.

Trees

23

No above ground construction work shall commence on site in connection with the development hereby approved until a suitable scheme of proposed tree planting and tree pits have been submitted to and approved by the Local Planning Authority. The scheme shall include the following comprehensive details of all trees to be planted:

- Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.
- Locations of all proposed species.
- Comprehensive details of ground/tree pit preparation to include:
 - Plans detailing adequate soil volume provision to allow the tree to grow to maturity
 - Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future
 - Staking/tying method(s).
 - Five year post planting maintenance and inspection schedule.

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree/s of the same size, species and quality as previously approved.

Reason

To ensure appropriate tree protection in the interests of protecting the visual amenity of the area, contributing to the quality and character of Rotherham's environment, air quality and adapting to and mitigating climate change.

Waterways

24

No development shall take place until a Risk Assessment and Method Statement outlining the construction and foundations and landscaping works in proximity to the River Don has been submitted to and approved in writing by the Local Planning Authority. The details shall:

- Include the design, depth and means of construction of the foundations of buildings closest to the river (including cross sections in relation to the retaining wall), together with any other proposed earth moving and excavation works required in connection with the development;
- Include a visual assessment of the existing wall condition, to ascertain any risks to its structural integrity;
- Demonstrate that additional loads from the permanent or any temporary works, plant and machinery or storage of materials will not harm the structural integrity of the retaining wall;

- Detail how the retaining wall will be protected during construction works; including details of any protective fencing to be erected to safeguard the waterway infrastructure during construction;

The development shall thereafter be carried out in strict accordance with the agreed Risk Assessment and Method Statement.

Reason

In the interests of safeguarding the land stability of land adjacent to the canal.

25

No boundary treatments shall be erected within 5m of the River Don unless details of any boundary treatment proposed in this location have been provided to and approved in writing by the Local Planning Authority. Details shall include information on the height and materials of any boundary treatment proposed. Thereafter, the development shall be carried out in accordance with the approved details.

Reason

In the interests of the visual amenity of the site and river corridor.

Land Contamination

26

Prior to development commencing further Intrusive Site Investigation should be undertaken in accordance with Section 8 – Conclusions and Recommendations – Subsections 8.12 and 8.15 of the report entitled Sheffield Road, Rotherham – Supplementary Ground Investigation Report – prepared by ECUS Ltd, dated May 2019, reference MM-12417-190507-P2, Final Version, to determine the extent of the hotspot area of TPH contaminated soils. The findings of the investigation will be submitted to the Local Planning Authority for approval.

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.

27

Prior to development commencing a Remediation Method Statement shall be submitted to and approved by the Local Planning Authority prior to any remediation works commencing on site. The remediation works shall be in accordance with Section 8 – Conclusions and Recommendations – Subsections 8.16 to 8.18 of the report entitled Sheffield Road, Rotherham – Supplementary Ground Investigation Report – prepared by ECUS Ltd, dated May 2019, reference MM-12417-190507-P2, Final Version. The remediation works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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.

28

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

Reason

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

29

Gas protection measures will be installed within each new build and shall be in accordance with a Gas Characteristic Situation 2 which has been identified at the site. A gas membrane which is suitably resistant to methane, carbon dioxide and Volatile Organic Compounds (VOCs) will be used. Details of the gas protection measures to be installed will be forwarded to this Local Authority for review and comment.

Reason

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

30

If subsoils / topsoils are required to be imported to site for garden or soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination.

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.

31

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

Reason

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

Waste Management

32

Prior to the development being first occupied a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will need to include:

- 9) information on the amount and type of waste that will be generated from the site;
- 10) measures to reduce, re-use and recycle waste within the development, including the provision of on-site separation and treatment facilities (using fixed or mobile plants where appropriate);
- 11) an assessment of the potential to re-use or adapt existing buildings on the site (if demolished it must explain why it is not possible to retain them);
- 12) design and layouts that allow effective sorting and storing of recyclables and recycling and composting of waste and facilitate waste collection operations during the lifetime of the development;
- 13) measures to minimise the use of raw materials and minimise pollution of any waste;
- 14) details on how residual waste will be disposed in an environmentally responsible manner and transported during the construction process and beyond;
- 15) construction and design measures that minimise the use of raw materials and encourage the re-use of recycled or secondary resources (particularly building materials) and also ensure maximum waste recovery once the development is completed; and
- 16) details on how the development will be monitored following its completion.

The agreed details shall be implemented and thereafter maintained.

Reason

To minimise the amount of waste used during the construction and lifetime of the project and to encourage the re-use and recycling of waste materials on site.

Archaeology

33

Part A (pre-commencement)

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

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

Part B (pre-occupation/use)

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

Reason

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

Air Quality

34

Before the first dwelling is occupied, a plan for the installation of Electric Vehicle charging points within the development, including their location, shall be submitted to and approved in writing by the Local Planning Authority. The electric charging points shall be installed in accordance with the approved details within a timescale to be agreed in writing and shall thereafter be maintained as such.

Reason

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

Informatives

01

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

02

The Canal & River Trust in their capacity as Navigation Authority, and Landowner of the section of River Don immediately adjacent to the site, they wish to advise the applicant of the following matters:

Surface Water Discharge

We understand that the discharge of Surface Water is proposed into the River Don. Even if this involves the alteration to an existing discharge, it is highly likely that the consent of the Trust is required for these works, which would be subject to a licence. The applicant should contact the Trust's Utilities section on 01926 626158 or at utilitiesenquiry@canalrivertrust.org.uk to ensure that any necessary agreement and licence is in place before any such works are installed. The Trust is not a land drainage authority, and agreement for the discharge should not be assumed.

Code of Practice for Third Party Works

Works affecting the Trusts land, and in proximity to the canal, will also need to comply with the Trust's 'Code of Practice for works affecting the Canal & River Trust'. The applicant / developer is advised to contact the Canal & River Trust's Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the scheme would comply with the Trust's 'Code of Practice for works affecting the Canal & River Trust'.

03

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

Furthermore, vegetation removal should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

04

It is advised that lighting on the western elevation of the site should be avoided or minimised as far as is feasible. Overspill onto the River Don should be avoided and low pressure sodium lamps / warm white LED (rather than mercury or metal halide) should be used where lighting is necessary; these will attract fewer insects away from the features such as scrub and trees which line the canal.

05

Where possible works including site clearance, should be undertaken outside the breeding bird season (typically March to September, inclusive). If this is not possible, a walkover survey should be undertaken by a qualified ecologist to ensure the site is clear.

06

It is recommended that the site would benefit from a sensitive planting scheme to include native broadleaved tree and wildflower species, in order to increase invertebrate species, and enhance the attractiveness of the site for birds, bats and other fauna. Suggestions are outlined within Appendix Three of the Preliminary Ecological Assessment. It is recommended that, to enhance site biodiversity and maintain a green corridor along the western elevation of the site bordering the River Don, a sensitive planting scheme be designed, to include native broadleaved tree and wildflower species.

07

It should be noted that on the Statutory Sewer Map, there is a 300 mm diameter public combined sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this instance, it would appear that the public sewer is unlikely to be affected by building-over proposals. A proposal by the developer to alter/divert a public sewer will be subject to YW requirements and formal procedure in accordance with Section 185 Water Industry Act 1991. There is a combined sewer overflow (CSO), under the control of Yorkshire Water, located near to the site. Vehicular access, including with large tankers, could be required at any time.

08

The site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

09

The developer should note that a 4" water main crosses the site which is believed to be a disused supply main and will need capping and abandoning at the developer expense. In addition, the end fire hydrant (GR 442680 392459) on Water Lane may need to be re-sited if it is affected by the development.

10

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Don designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmentalpermits>.

11

The planning permission is subject to a Legal Agreement (Obligation) under Section 111 of the Town and Country Planning Act 1990. The S111 Agreement is legally binding and is registered as a Local Land Charge. It is normally enforceable against the people entering into the agreement and any subsequent owner of the site.

12

The development shall be designed and built to achieve Secured by Design standards.

13

The applicant should note that the closure of part of Water Lane (adopted highway). The formal closure should be undertaken prior to works on this part of the site. The applicant should contact the Council's Adoptions Officer in the Transportation Infrastructure Service to discuss further.

14

The applicant should note the proposed location of the access will result in the closure of an on street car parking bay. This will require an alteration to the existing Traffic Regulation Order which will need processing prior to the closure. The applicant should contact the Council's Transportation Infrastructure Service in this regard and the works will be at the applicant's expense.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2019/1328
Proposal and Location	Erection of replacement livestock building at Church Farm, Main Street, Ravenfield for G W Woolhouse and Sons Limited
Recommendation	Granted Conditionally

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



Site Description & Location

The site is located to the south east of the village of Ravenfield and is set back from Main Road by approximately 170m. The site is screened from view by a mix of residential properties and mature trees which are located along the highway verge and aligned along the access road.

A public right of way is located immediately to the south of the site.

Within the site boundary are a number of agricultural buildings which vary in terms of their scale but are generally similar in appearance, all being constructed from materials which include steel frames and cladding with pitched roofs consisting of profile sheeting.

The applicants operate a mixed arable and livestock farming business which extends to 340 hectares of land with 320 hectares in arable production and 20 hectares of grassland. The livestock enterprises include a beef enterprise and a pig rearing enterprise.

It is the pig rearing accommodation that is the subject of this application. This is located immediately adjacent to the existing farm buildings on the eastern side of the existing farmstead.

Background

Planning permission was granted in 2018 under reference RB2018/0040 for a replacement livestock building. The building approved under this application has now been constructed.

Proposal

The application seeks full permission for the demolition of an existing group of livestock buildings and the erection of 1No. pig finishing building, extending to 41.4m x 35.5m with an eaves height of 2.6m and a ridge height of 7.7m. The proposed pig finishing building will accommodate 1,950 pig places for pigs reared from 35kg through to 110kg and will be linked as an extension to the building approved under RB2018/0040.

The proposed building is shown to be located immediately adjacent to the existing farm buildings on the eastern side of the existing farmstead and is sited on the footprint of existing livestock buildings which are to be removed.

The site has an Environmental Permit from the Environment Agency who controls the site regarding issues such as noise, manure etc.

Development Plan Allocation and Policy

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

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

Core Strategy Policies

CS4 Green Belt
CS19 Green Infrastructure
CS20 Biodiversity and Geodiversity
CS21 Landscape

Sites and Policies

SP2 Development in the Green Belt
SP32 Green Infrastructure and Landscape
SP33 Conserving and Enhancing the Natural Environment

Other Material Considerations

Interim Planning Guidance - 'Development in the Green Belt'. This has been subject to public consultation and adopted by the Council on 3rd March 2014 and replaces the adopted Supplementary Planning Guidance 'Environment Guidance 1 – 'Extensions to dwellings in the Green Belt' of the UDP.

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance

web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The revised NPPF came into effect in February 2019. It sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

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

Publicity

The application has been advertised by way of press and site notice along with individual neighbour notification letters to adjacent properties. No letters of representation have been received.

Consultations

RMBC Environmental Health note that the operation is covered by an Environmental Permit which is issued by the Environment Agency. As such no objections are raised.

RMBC Transportation Infrastructure Service raise no objections to the proposed development.

RMBC Drainage raise no objections to the proposed development.

RMBC Ecology acknowledges that the existing buildings are constructed out of metal sheeting and as such it is not the type of building that is likely to be suitable for roosting bats. Consequently, it is not considered that there would be an issue with bats. The building could however support nesting birds (swallows, house martins, etc) therefore it is recommended that demolition takes place outside the bird breeding season.

RMBC Landscape note that the proposal is for a replacement building however given the site is located within a Green Infrastructure Corridor, mitigation planting should be provided. Accordingly a condition is recommended to secure this within the first planting season following construction.

RMBC Public Rights of Way note that the route of footpath No.9 in Ravenfield runs to the south of the proposed building but is unaffected by the proposals. Accordingly, no comments are made.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- The principle of development and impact on the Green Belt
- Siting and Design
- Landscape and Biodiversity
- General Amenity Issues

Principle of Development within the Green Belt

The NPPF states that inappropriate development is, by definition harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm in the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 145 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include:

- Buildings for agriculture and forestry;
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries; as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- The extension or alteration of a building provided that it does not result in disproportionate addition over and above the size of the original building;
- The replacement of a building, providing the new building is in the same use and not materially larger than the one it replaces.

This is further emphasised in Local Plan Policy SP2 'Development in the Green Belt' which states that "A Green Belt whose boundaries are defined on the Policies Map will be applied within Rotherham Borough.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In considering planning applications for new development, including improvements to essential infrastructure such as operational Waste Water Treatment Works, and mineral workings within the Green Belt and to ensure proposals minimise the impact of the development on the openness of the Green Belt particular regard will be had to the following factors: the size, scale, volume, height, massing, position, lighting and any proposed enclosures of the proposals; or screen banks.

All new buildings should be well-related to existing buildings, where relevant, and should be of a size commensurate with the established functional requirement. Effective siting, screening and high standards of design appropriate to the setting of the proposals can minimise the impact of future development on the openness of the Green Belt. Where possible proposals should reflect the architectural style of original buildings, and / or the vernacular styles in the locality.

All proposals for development should satisfy other relevant policies of the Local Plan and National Guidance.”

In addition, Local Plan Policy SP7 ‘New Agricultural or Forestry Buildings or Structures in the Green Belt’ states : “Planning applications for new agricultural or forestry buildings or structures must demonstrate that the building or structure is needed, designed and constructed solely for the purposes of agriculture or forestry. The use of appropriate planning conditions will ensure that any new building not used for agricultural purposes within ten years of its construction shall be removed. All proposals will require careful assessment as to the impact and appropriateness of the development; consideration will be given to the size, scale, position, screening, enclosures, lighting and design of the buildings.”

The application site forms part of an existing mixed arable and livestock farming business at Church Farm and includes some 240 hectares of land to the east of Main Street. Agricultural buildings associated with the use are located within a cluster to the northern area of this land

The proposed building will replace existing agricultural buildings and is required to provide a new purpose built livestock building. The proposed building will provide 1,950 pig places and will be linked as an extension to the existing building approved under RB2018/0040. The building has a footprint of 41.375m x 35.5m with an eaves height of 2.632m and a ridge height of 7.736m which is similar in scale to the existing building it will adjoin.

Having regard to all of the above, there is no dispute that the farm is an existing agricultural enterprise and as such the proposed building is not considered to be inappropriate development. Accordingly, the proposal complies with bullet point 1 of paragraph 145 of the NPPF and the requirements of Policy SP 2 ‘Development in the Green Belt’.

In addition, consideration needs to be given to the impact of the proposal on the openness of the Green Belt. As previously reported, the proposal would replace an existing building and would be of a similar scale in terms of its footprint and overall height. It’s siting within a cluster of existing agricultural buildings would mean that the proposal is not located in an isolated position and would be read as part of the existing farmstead. On this basis it is concluded that the impact on the openness of the Green Belt would be very limited above and beyond the existing quantum of built form within the site. It is therefore considered that the impact on the openness of the Green Belt is acceptable.

The proposal therefore represents appropriate development within the Green Belt, and would not result in harm to its openness in accordance with Policies CS4 ‘Green Belt’, SP2 ‘Development in the Green Belt’ and SP7 ‘New Agricultural or Forestry Buildings or Structures in the Green Belt’, together with guidance contained within the NPPF.

Siting and Design

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

Policy SP55 'Design Principles' states development is required to be of high quality and incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions.

The NPPF at paragraph 124 states: "Good design is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 states planning decisions should ensure developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting...establish or maintain a strong sense of place..."

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

The area to which the development relates is located within a cluster of agricultural buildings. The scale of the proposed building is not dissimilar to the one it will replace and its overall height has been designed to tie into the existing building it will adjoin. It will be constructed from a steel frame with cladding to the walls and steel profiled sheeting to the roof, which is representative of other buildings within the farm stead. Accordingly, in design terms and in relation to its relationship with the other farm buildings, it is considered that the proposed building is commensurate with the scale and nature of the applicant's agricultural operation in accordance with the provisions of Policies Policy CS28 'Sustainable Design' and SP55 'Design Principles' together with guidance contained within the NPPF.

Landscape and Biodiversity

The site lies within a Green Infrastructure Strategic Corridor – Thrybergh Corridor, wherein Policy CS19 states "Rotherham's network of Green Infrastructure assets including the Strategic Green Infrastructure Corridors will be conserved, enhanced, managed and maintained throughout the borough."

This is further emphasised in Policy SP32 Green Infrastructure and Landscape which states "The Council will require proposals for all new development to support the protection, enhancement, creation and management of multi-functional green infrastructure assets and networks including landscape proportionate to the scale and impact of the development and to meeting needs of future occupants and users". Accordingly, and having particular regard to these policies, consideration should be given to opportunities to enhance the development in terms of biodiversity, landscape and amenity.

In this regard it is acknowledged that the proposed building is on the same footprint as the existing and the overall height is not dissimilar, however in order to comply with Policy SP32, it is recommended that some form of mitigation is provided. This mitigation is not required to screen the building from view, however opportunities for improvements to the rights of way network to the south of the site may include appropriate planting proposals adjacent to the footpath where it passes close to the proposed agricultural building. This

could provide an attractive buffer for walkers from farm activity and thus providing a pleasant environment for footpath users whilst increasing biodiversity gain.

No proposals have been presented by the applicant to this effect, however following discussions it has been agreed that future planting will be provided on the applicants land between the farm buildings and the public right of way. A condition requiring the submission of a future planting scheme and a timescale for its implementation is therefore recommended.

Taking this into account, it is considered that the proposed development is acceptable in accordance with the provisions of Policy SP32.

General Amenity Issues

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 minimise 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."

The site has a long established use as a farmstead and the proposals seek permission for the erection of a replacement building to intensify their existing pig finishing enterprise. As previously reported, an Environmental Permit, which is issued by the Environment Agency and regulated under The Environmental Permitting (England and Wales) Regulations 2016, is required for premises that accommodate over 2,000 pigs.

The applicant has submitted a copy of their Permit as part of this application, which covers issues such as operating activities, control of odour, noise, pest control and removal of waste. Accordingly, whilst it is possible that the intensification of the existing operation has the potential to result in environmental issues the applicant is required to work within the strict permitted guidelines of their Environment Permit and if a situation arises where problems occur, the Environment Agency has powers under the Environmental Permitting (England and Wales) Regulations 2016 to intervene. Accordingly, it is considered unnecessary to impose conditions for the control of waste, odour or noise on this application as the Environment Agency's powers outweigh those that can be controlled under planning legislation.

It is therefore considered that the proposed development complies with the provisions of Policies CS27 'Community Health and Safety' and SP52 'Pollution Control'.

Conclusion

The application is considered to be acceptable on the basis of its principle, appearance, function and impacts. The proposed building is not considered inappropriate development within the Green Belt as defined within the NPPF, and would not harm the openness and character of the Green Belt, nor the visual character of the area. Furthermore, the applicant is considered to have demonstrated the development would be a replacement building for the purposes of agricultural use and be appropriate in scale to the existing agricultural enterprise. As such the application is compliant with relevant local plan policies and guidance within the NPPF.

Conditions

01

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

Reason

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

02

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

- Site Location Plan dated Aug 19
- Site Layout Plan Drawing number IP/RW/03 dated Aug 19
- Elevations and Floor Plan Drawing Number IP/RW/04 dated Aug 19

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Core Strategy Policy CS28.

Prior to commencement of development, 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

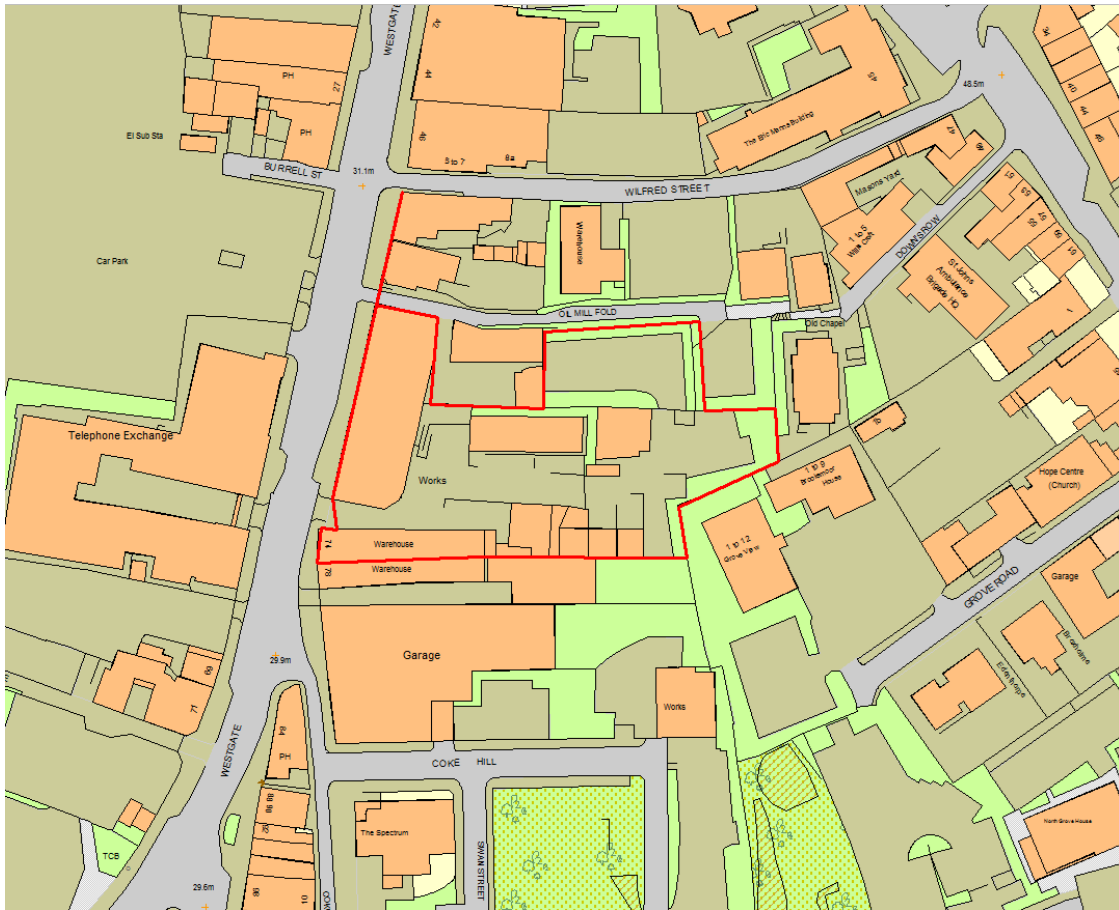
To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policy Policy SP32 Green Infrastructure and Landscape

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2019/1501
Proposal and Location	Demolition of existing buildings, erection of 14 no. dwelling houses and a four storey building comprising 25 no. apartments at Millfold House, Westgate, Rotherham Town Centre
Recommendation	<p>G. That the Council enter into a the legal agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • Financial contribution of £19,500 towards sustainable travel measures to support the development • Financial contribution of £15,236 towards improvements to green infrastructure in the town centre area and the adjacent public open space. • Financial contribution of £35,294 towards Secondary Education provision at Oakwood High • Financial contribution of £29,306 towards improvements to bus stops 30494 and 30493 controlled by South Yorkshire Passenger Transport Executive to support the development. <p>H. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

This application is being presented to Planning Board as it is a 'Major' application.



Site Description & Location

The application site is located on Westgate just outside of the Town Centre on a road comprising a mixture of commercial premises with some residential at upper floors.

The site currently comprises of Millfold House, a two-storey red-brick commercial building which sits directly to the rear of the footpath, with parking and a scrap yard to the rear accessed via a single access between the southern end of Millfold House and the adjacent building, currently in use as Eastwood Domestics which is also within the application site.

The site slopes steeply from west to east up the hill towards a block of flats that sit on the hillside and are accessed from Grove Road, off Moorgate Street.

To the north of the site is Oil Mill Fold which is a narrow access road beyond which is a three-storey funeral directors building. To the south of the site is an existing two storey building with a garage beyond. Directly opposite is the Telephone Exchange building. To the north of Oil Mill Fold there is access into an area of overgrown, unkempt land which is not used but was used previously as a car park to the Church accessed off Down's Row.

There are two blocks of flats to the east of the site accessed via Grove Road (Grove View and Brooksmoor House).

Background

There have been numerous planning applications submitted relating to this site, none of which have any implication on the current proposal. The most recent and relevant of which is:

RB2019/1036 – Demolition of existing buildings, erection of 14 dwelling houses and a six storey building comprising 50 apartments – Withdrawn.

The application was withdrawn after concerns were raised about the height of the building and impact on the views of the Grade I Listed Minster.

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 is for the demolition of Millfold House and Eastwood Domestics and construction of a four-storey apartment block comprising 25 apartments and 14 dwellinghouses.

The apartment building would be set back from the footpath to allow all ground floor apartments having a private front garden behind a boundary wall. There would be two elements on the front that would be to the back of the footpath which would provide access to the apartments.

The apartment building would be constructed in a mixture of red and buff coloured brickwork with a regular fenestration to the front. There will be two set back elements to either side of the building which will enclose the staircases. The apartment building would be of a flat roof form. There would also be differing brick courses running horizontally through the building.

The dwellinghouses would be sited to the east (rear) of the site and would be in a single block. The dwellings would be of a Quad style (i.e. “back-to-back”) of three-storey. Each house, whether it is on the front or back, will have a defensible space and there will be shared areas of amenity to the east. The dwellings would also have a first floor outside seating area. The dwellings would be constructed of red and grey brick.

Vehicular access will be provided to the south of the site which will rise up to a parking area behind the apartments and in front of the dwellinghouses. A total of 32 parking spaces would be provided between the rear of the flat and front of dwellings.

RMBC Housing Services will manage all the communal elements – including bin stores, bike stores, landscaped areas, retaining structures, private roads and car parking etc. This was stated in the report that went to Cabinet on 21 October 2019.

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

Design and Access Statement

The statement provides details on the site and its surroundings, the proposal including its design, materials, and landscape and access arrangements.

Transport Statement

The purpose of this Transport Statement is to set out the transport issues relating to the development proposals.

It concludes that the development can be accessed in a safe manner and the impact of the scheme on nearby junctions is considered to be negligible. It is therefore concluded that there are no material highways or traffic reason why planning permission should not be granted.

Travel Plan

The Travel Plan provides details of measures that will be implemented in order to minimise the use of single occupancy private car in making journeys to and from the site.

The development will provide £500 per household to fund travel plan measures for the future residents of the site.

Noise Assessment

The assessment was carried out in order to assess the impact on future occupants of neighbouring commercial uses. It recommends, based on the measured noise levels, that the most exposed facades to the west of the development be provided with an alternative means of ventilation such as passive trickle ventilators such that windows can normally remain closed. Areas of the site to the east which are screened from nearby road transport noise sources would be suitable for a scheme of natural ventilation incorporating partially open windows.

It requires that minimum glazing and ventilation sound insulation performance requirements for the scheme, as set out in report, are based on the provision of natural ventilation via window frame mounted trickle ventilators and/or acoustic glazing where necessary.

The majority of the external site is predicted to be exposed to noise levels suitable for use as external amenity areas without mitigation having regard to relevant guidance.

Affordable Housing Statement

The Affordable Housing provision on the site will exceed the Council's 25% requirement. The scheme is intended to be 64% Affordable Housing, comprising:

- 14 x houses for Market Sale
- 25 x apartments for Affordable Rent

A grant funding bid will be submitted to Homes England to support the delivery of the affordable units within the scheme. All of the affordable properties will be let directly by the Council.

Following consultation with the Council's Affordable Housing Co-ordinator the applicant understands that the Affordable Housing will be secured via a planning condition.

Building for Life

This document assesses the proposed scheme against the BfL standard checklist. The applicant has scored the scheme as meeting the 12 criteria.

Flood Risk / Drainage Statement

The statement confirms that the site falls within Flood Zone 3 and there is a minor risk of surface water flooding that can be ameliorated by making the alteration to the appropriate ground level.

It further states the design of surface water drainage should ensure that there are no uncontrolled off-site overland floor flows and such flows should be contained on site within the landscaped areas or the adoptable highway, ensuring there is no increased flood risk to third parties, important infrastructure or properties.

Ecological Appraisal and Bat Survey

The assessment provides recommendations in respect of further surveys needed, advice on appropriate lighting schemes, and that any site clearance should take place outside of the breeding bird season.

It also suggests post development enhancements in respect of sensitive planting schemes.

The bat survey concludes that there is no evidence of bats within the building.

Ground Investigation Report

The report provides details of the site, its existing use, its historic use and future land use. It also provides details of the site's geological setting; environmental assessment and geotechnical considerations. The report recommends remediation works to make the site suitable for development with residential housing and ground gas protection measures will be required.

Remediation Method Statement

The report provides details of the site in respect of contamination, and sets out a number of remediation measures that should be included in the construction of the scheme and also provides details for further assessments.

Historic Environment Desk-Based Assessment

The assessment provides details of the site and its location adjacent the Town Centre Conservation Area and provides an assessment of its current and future impact on the Conservation Area and nearby listed buildings.

It states that the existing building is considered to have low heritage significance as a result of the historic and architectural interests of the building. It further notes that the site formed part of the medieval burgage plots which ran along the route of Westgate until the nineteenth century.

It concludes that previous impacts within the site, including the demolition of former buildings and the establishment of the Millfold Works, are likely to have had a major impact on the survival of any archaeological remains relating to the medieval burgage plots or nineteenth century occupation of the site. The need for, scope and nature of any further archaeological works should be discussed and agreed through consultation with the local planning authority in accordance with paragraph 189 of the NPPF.

Development Plan Allocation and Policy

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

The application site is allocated for Mixed Use purposes (MU10) in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS3 'Location of New Development'
CS7 'Housing Mix and Affordability'
CS13 'Transforming Rotherham Town Centre'
CS14 'Accessible Places and Managing Demand for Travel'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscapes'
CS22 'Green Space'
CS23 'Valuing the Historic Environment'
CS25 'Dealing with Flood Risk'
CS26 'Minerals'
CS27 'Community Health and Safety'
CS28 'Sustainable Design'
CS31 'Mixed Use Areas'
CS33 'Presumption in Favour of Sustainable Development'
SP26 'Sustainable Transport for Development'
SP32 'Green Infrastructure and Landscape'
SP33 'Conserving the Natural Environment'
SP35 'Protected and Priority Species'
SP36 'Soil Resources'
SP37 'New and Improvements to Existing Green Space'
SP41 'Listed Buildings'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 'Pollution Control'
SP55 'Design Principles'
SP56 'Car Parking Layout'
SP65 'Development Within Mixed Use Areas'
WCS7 'Managing Waste in All Developments'

Other Material Considerations

National Planning Practice Guidance (NPPG)

National Planning Policy Framework: The revised NPPF came into effect in February 2019. 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.

Council's Adopted Parking Standards

Town Centre Masterplan

South Yorkshire Residential Design Guide

Publicity

The application has been advertised by way of press and site notice along with individual neighbour notification letters to adjacent properties. No letters of representation have been received.

The applicant has requested the Right to Speak at the Meeting.

Consultations

RMBC – Transportation Infrastructure Service: No objections subject to conditions.

RMBC – Conservation (Consultant): No objections.

RMBC – Leisure and Green Spaces Manager: No objections subject to s106 contribution towards off-site open space provision.

RMBC – Landscape Design: No objections subject to conditions.

RMBC – Drainage: No objection subject to conditions.

RMBC – Affordable Housing Officer: No objections.

RMBC – Ecologist: No objections subject to conditions.

RMBC – Environmental Health: No objections subject to conditions.

RMBC – Education: An Education contribution would be requested for this development for Secondary Education. The school, Oakwood High is always oversubscribed. As per the S106 policy it would be the number of open market dwellings chargeable x £2,521.

RMBC - Land Contamination: No objections subject to conditions.

RMBC – Air Quality: The site is not located within an Air Quality Management Area and the size and location of the development is such that it is unlikely to result in any adverse impact on air quality in Rotherham.

Historic England: Have no comments to make.

NHS: There is enough primary care in the area.

SY Police Architectural Liaison Officer: No objections but should be designed and built to Secured by Design standards.

South Yorkshire Archaeological Service: No objections subject to conditions.

Geology (SAGT): No objections.

SYPT: Recommend bus stop upgrades via a section 106.

Yorkshire Water: Have no objections subject to conditions.

Canal & River Trust: No objections.

Appraisal

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

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

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

The main considerations in the determination of the application are:

- Principle of development
- Design considerations (inc. layout, scale)
- Impact on Heritage Assets (inc. Archaeology)
- Highway considerations
- General Amenity
- Landscapes and Trees
- Ecology
- Green Space
- Drainage and Flood Risk
- Affordable Housing
- Land Contamination
- Education
- Waste Management

Principle

The site is allocated for Mixed Use in the Local Plan (MU10) with policy SP65 'Development within Mixed Use Areas' identifying appropriate uses as C2 (Residential Institutions), C3 (Dwellinghouses) and D1 (Non-residential institutions).

The proposed residential development falls within one of the appropriate uses identified above and the principle of development is acceptable.

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

Paragraph 12 of the NPPF states: *"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted..."*

Access to Community Facilities

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

The site is within close proximity to a number of shops and services given its location close to the town centre. Accordingly, the scheme would be in full compliance with the requirements of policy SP64.

The remainder of the report will assess whether there is any reason which outweighs the presumption in favour of sustainable development.

Design considerations (inc. layout, scale)

The NPPF at paragraph 124 states: *"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Paragraph 127 of the NPPF states planning decisions should ensure that developments add to the overall quality of the area are visually attractive as a result of good architecture and are sympathetic to the local character.

Policy CS28 'Sustainable Design' states design should take all opportunities to improve the character and quality of an area and the way it functions. Policy SP55 'Design Principles' adds that all forms of development are required to be of a high quality, incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area.

With regard to the apartment block it is considered that at four-storey, with a flat roof and set back from Westgate it would not appear overly dominant in the streetscene and would reflect the height and scale of the Telephone Exchange opposite. Furthermore, the design features such as the projecting entrance and storage elements either side of the front elevation, which will be at the back of the footpath and the soft landscaping to the front of the ground floor apartments will provide an active and attractive frontage to Westgate, which will enhance the character and quality of the area. Furthermore, the fenestration, materials and design details of the building will provide architectural interest which will further contribute to the local character.

With respect to the dwellinghouses sited to the rear of the apartment blocks, they have been sympathetically designed to work with the constraints of the site, in regard to the topography. The dual aspect of the "Quad" style ensures that all occupants have views and a balcony area for sitting out. Furthermore, the design details and materials proposed for the dwellings will also provide a visually attractive building, which will further enhance the character and quality of the area.

With regard to the site's layout this has been dictated by the site's topography with the large apartment block to the front and dwellings to the rear on the higher land, with the parking area between. Due to the topography of the site and the requirement to provide housing in the town centre there is little scope on this site for shared amenity areas and significant soft landscaping. However, the site is ideally located to benefit from Clifton Park and some soft landscaping has been proposed within the parking area and on the sloping part of the site to the east to soften its impact. It is considered that the relationship between the houses and apartments is acceptable and the incorporation of pockets of open space to the rear of the apartments ensures that the site is not overly developed.

The proposal requires the demolition of a number of buildings on the site, including some along the sites southern boundary which are currently used by Eastwood Domestics and appear to be attached to the property no. 78 Westgate. Accordingly, a condition shall be appended to ensure that the exposed north facing elevation of 78 Westgate is made good once the buildings have been demolished.

It is therefore considered that from a design perspective the proposed development would comply with the requirements of Local Plan policies and NPPF paragraphs referred to above.

Impact on Heritage Assets (inc. Archaeology)

The site is located in close proximity to the Grade II listed Cutler Arms and given the height of the proposed development, the impact on views of the Grade I listed Minster Church of All Saints Rotherham is to be considered in accordance with NPPF and Local Plan policies CS23 'Valuing the Historic Environment' and SP40 'Listed Buildings'.

Paragraph 192 of the NPPF states in determining applications consideration should be had to the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 193 to 202 sets out what should be considered when assessing the potential impacts of a proposal on heritage assets.

Policy CS23 'Valuing the Historic Environment' states Rotherham's historic environment will be conserved, enhanced and managed, in accordance with several principles. One of which states: *"The character and setting of Rotherham Minster...will be conserved and enhanced. Proposals will be supported which respect and enhance key views and vistas..."*

Policy SP40 'Listed Buildings' states development affect a listed building's setting will be considered against a number of principles, one of which states: *"...the Council encourages the development of good quality, contextual design, including any development within the setting of Listed Buildings. Development which has an adverse effect on the setting of Listed Buildings will not be acceptable..."*

The impact of the proposed residential development on the setting and views of the Grade I listed Minster Church of All Saints Rotherham, Grade II listed Cutler Arms and the Grade II listed Talbot Lane Methodist Church is assessed as follow:

Cutler Arms

This Grade II listed building is a purpose-built public house dating from 1907. It is a dressed glazed faience building with glazed red brick skirt, a Welsh slate roof and an underlining Art Nouveau influence both externally and internally.

Its 'raison d'être' in this location, was very much vested in its proximity to the River Don and thus to a number of large foundries and in turn, to the houses in which the foundry workers lived. These workers would have been the public houses core patrons though it would also have benefited from its location along a key route into the town centre. Thus, the wider setting of this purpose-built public house has been an ever-evolving mix of building typologies of varying scale, form, massing and height. There are therefore no objections to the proposed scale, massing or design of the proposal as it does not represent harm to the setting of the Grade II listed Cutlers Arms.

Minster Church of All Saints Rotherham

The application site lies within the wider setting of the Grade I listed Minster Church of All Saints Rotherham, a central landmark within the town since the fifteenth century. It sits on an elevated site which would have been a deliberate choice to ensure its visibility to its parishioners. Therefore, the visibility and consequently views of the Minster forms and important part of its setting and as such, its significance.

The supplied proposed street scene view does suggest that the Minster will remain visible from Westgate and this is welcomed as it is a key gateway to the town centre.

Talbot Lane Methodist Church

Like the Minster Church of All Saints, the location of the Talbot Lane Methodist Church would have been chosen for its elevated position. It is clear from the supplied streetscenes that the proposals will impinge on views of the Church. The level of harm would be that of 'less than substantial' and towards the lower end of that scale as views of the Church will only be restricted from the proposed car park as they are not readily apparent from Westgate.

Rotherham Town Centre conservation area

The proposed development sits outside of the conservation area, but it begins on the opposite side of Oil Mill Fold and it is considered that it will have a very limited impact on the character and appearance of the conservation area. The proposed set back from the established building line coupled with the proposed boundary treatment to Westgate are the only minor conservation concerns as they are not characteristic features of the existing townscape and will consequently detract from the setting of the conservation area, but the reasons for this set back to reduce the overall mass and scale of the building, as well as reducing the sense of enclosure given the adjacent tall telephone exchange building are considered to outweigh the minor adverse impact on the adjacent conservation area.. Furthermore, the level of impact would be and is viewed as 'less than substantial' and towards the lower end of the scale.

Level of Harm to the identified designated heritage assets

Paragraph 196 of the NPPF states that *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*

It is considered that the public benefits of the scheme which include the regeneration of a current derelict site on a key gateway into the town centre, bringing residential properties and therefore people into the town centre will have a positive economic impact on the town centre, outweigh the 'less than substantial harm' on either the adjacent conservation area or the slightly impinged views of Talbot Lane Methodist Church.

Non designated heritage assets

The proposed development requires the demolition of 2 no. non designated heritage assets. These are identified as the former Millfold Paint and Varnish works dating from c1936 and Eastwood Domestic.

The former works is a two-storey red brick symmetrical building with a central entrance and original windows and is a good example of early-mid twentieth century small-scale industrial work of historic interest as a building located in an area known its small-scale industry from the nineteenth century onwards. It is recognised that there has been unsympathetic alterations to the building particularly the extension to the southern end however the original building remains a legible set piece. Eastwoods Domestic is a three-storey pressed red brick with decorative stone detailing Victorian building with 20th century windows.

Paragraph 197 of the NPPF states: *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

With regard to Millfold House, it is considered to have low heritage significance as a result of the buildings historic and architectural interests. The architectural interest of the building is derived from being an example of early-mid twentieth century small-scale industrial works. The architectural interest of the building is enhanced by the apparent original windows but detracted by the later unsympathetic alterations and extension to the southern end of the buildings. The historic interest of the building is derived from its former use as a paint and varnish works in an area known for its small-scale industry from the nineteenth century onwards.

In respect of Eastwoods Domestic building, it is considered to have, at most, low heritage significance as a result of the buildings historic and architectural interests. The architectural significance of the building is derived from the architectural detailing that mark the building as a nineteenth century terrace. The building derives its historic interest as a surviving example which demonstrates the former appearance of the wider building stock on Westgate prior to demolitions made during the course of the twentieth century. However modern alterations to the historic fabric means its overall integrity has been compromised and as a result is of limited heritage significance.

Accordingly, with regard to the non-designated assets it is considered that they have low heritage significance for the reasons set out and as such the proposal would not have a significant impact on them from a heritage perspective.

In conclusion, the proposed development, in particular the apartment block would have no adverse impact on the setting of the Grade II listed Cutler Arms or impinge on views of the Grade I listed Minster. Furthermore, any adverse impact on the adjacent conservation area and minor impingement of views of the Grade II listed Talbot Lane Methodist Church would be ‘less than substantial’ and at the lower end of the spectrum. As such the scheme would comply with the requirements of the NPPF and Local Plan policies CS23 ‘Valuing the Historic Environment’ and SP40 ‘Listed Buildings’.

The applicant submitted an archaeological desk-based assessment, prepared by ECUS. From the results, they conclude that the below ground archaeological potential is very low and recommend recording of the standing buildings (particularly Millfold Works), prior to demolition. South Yorkshire Archaeology Service agree with these conclusions and have recommended that they have no objections to the proposal subject to a condition requesting the submission of a Written Scheme of Investigation prior to any works, including demolition taking place.

Highway considerations

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.”*

The NPPF further notes at 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.”*

The submitted Transport Statement has demonstrated that the site is highly accessible with good public transport links associated with being located in close proximity to Rotherham Town centre. There are bus stops with high frequency services located along the site frontage, Rotherham Interchange and Rotherham Central railway station are located in close proximity to the site and it is considered that the facilities for walking / cycling to local facilities are also good. The site is expected to generate few peak hour vehicle trips

In respect of car parking, it is noted that the proposed facilities are below the usual Council standards. 34 parking spaces are proposed for the whole development of 39 units and the Council's standards indicate there should be 1.5 spaces per apartment (so 39 spaces) and a two-bed dwelling should have 1 space and three-bed dwellings 2 spaces. However, this site is considered highly sustainable for the reasons outlined above and as such the level of parking for this development in this location is considered sufficient.

It is considered that on the basis of the above, and subject to conditions and a sustainable travel contribution of £500 per dwelling being secured via a s106, there are no objections to the scheme from a highways perspective.

As discussed above the development is well served by public transport with good links to employment, education and amenities via public transport, either directly or with interchange. Accordingly, South Yorkshire Passenger Transport Executive has requested improvements to two bus stops close to the site via a financial contribution secured by a s106 agreement.

Therefore having regard to the above the proposed development in respect of highway impact would comply with the requirements of the NPPF and Local Plan policies referred to above.

Further to the above, it is noted that the site is not located within an Air Quality Management Area and the size and location of the development is such that it is unlikely to result in any adverse impact on air quality in Rotherham.

General Amenity

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 minimise health inequalities."* It further states: *"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."*

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."*

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

Paragraph 180 of the NPPF states decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should, amongst other things, mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

It is considered that the proposed buildings would not detrimentally impact on occupiers of adjacent surrounding properties by virtue of their siting, design features, height, mass, form and scale, together with the orientation of the site, land levels and distance to neighbouring properties. This is due to the fact that the buildings would not impact on the outlook from neighbouring properties by being overly dominant or visually oppressive, particularly the two apartment blocks off Grove Road to the east, south-east of the site which sit at a higher level.

Furthermore, it is considered that the apartment block hereby proposed is a sufficient distance from the nearest proposed houses at the rear to ensure that they would not appear overly dominant or oppressive. In addition, they would not result in any overlooking issues or overshadowing.

The internal accommodation of the proposed apartments satisfies the internal space requirements set out in the South Yorkshire Residential Design Guide and the distance between buildings also conform to the SYRDG.

In addition, it is noted that the two apartment blocks to the east, south-east of the site off Grove Road (known as Grove View and Brooksmoor House) would have windows in close proximity to the rear garden space at the back of the dwellings. In respect of these windows whilst they would offer some overlooking, this area is a shared area of grass, but given the topography of the site and the sloping nature of this grassed area it is unlikely to be used by residents on a regular basis.

Furthermore, the location of the proposed dwellings would ensure that there is no direct overlooking into either the habitable rooms of the proposed dwellings or the adjacent apartments on Grove Road and any overlooking would be on a splayed angle. Moreover, in town centre living the spacing distances between windows and elevations is not as imperative as it is in more suburban settings.

Further to the above, a noise report was submitted with the application to assess the impact of existing neighbouring land uses on future occupants of the dwellings and apartments. The report indicates that minimum glazing specification to reduce internal noise levels to an acceptable level in accordance with British Standards is recommended.

The Council's Environmental Health department have indicated that subject to a condition requiring glazing and ventilation to meet recommended specifications they have no objections to the proposal.

Accordingly, subject to conditions the proposed development would not give rise to any adverse amenity impact and the scheme would comply with the requirements of the NPPF and Local Plan policies CS27 'Community Health and Safety' and SP52 'Pollution Control'.

Landscapes and Trees

Policy CS21 'Landscape' states: *"New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough's landscapes..."*

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

Given the sloping topography of the site there is little scope for extensive landscaping within the site, the only proposed landscaping is boundary treatments to the front of the site and tree planting within the car parking area and to the front of the dwellings. The proposed shared area will just be grassed due to the steep slope to the east of the site.

The Council's Landscape Design team have indicated that a standard landscape condition should be appended to any approval and this would include boundary treatments which are considered to be particularly important for the site frontage due to the gateway location of the site and will also need to include details of the retaining structures which form significant features throughout the external layout.

Therefore, subject to conditions the proposed development is considered to comply with the requirements of Local Plan policies CS21 'Landscape' and SP32 'Green Infrastructure & Landscape'.

Ecology

Policy CS20 'Biodiversity and Geodiversity' states the Council will conserve and enhance Rotherham's natural environment, and biodiversity and geodiversity resources will be protected and measures will be taken to enhance these resources in terms of nationally and locally prioritised sites, habitats and features and protected and priority species.

The submitted Preliminary Ecological Assessment and Bat Survey have been assessed by the Council's Ecologist and there are no issues with the survey reports and there are no ecological issues with the proposal subject to the imposition of suitably worded conditions and informatives. These will relate to advice on avoiding work during nesting bird season and biodiversity enhancements.

Accordingly, subject to conditions the proposal would comply with the requirements of policy CS20 'Biodiversity and Geodiversity'.

Green Space

Policy CS22 'Green Space' states: *"The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community..."*

Policy SP37 'New and Improvements to Existing Green Space' states residential developments of over 36 dwellings or more shall provide 55 sq. metres of Green Space per dwelling on site. It further states: *"where the characteristics of the site and the nature of the proposals are likely to impact on the delivery of the Green Space... then evidence shall be provided with the planning application to justify any lower level of Green Space provision on site or off-site contributions."*

On such a site in the town centre, the scheme cannot provide the necessary amount of new green space. There is no loss of existing recreational space. On this basis it is appropriate that a suitable s106 contribution is made for green infrastructure improvements in the town centre area. This may include tree planting and maintenance, public art or improvements to existing green spaces.

In light of the above, the applicant has agreed to pay a financial contribution of £15,236 towards improvements to green infrastructure improvements in the town centre area.

Drainage and Flood Risk

The site falls within Flood Zone 1 and it is deemed to be low risk from fluvial flooding. Furthermore, the site is shown as not be affected by surface water flooding and it is not deemed to be at risk of flooding from reservoirs or canals.

There are no surface water or foul sewers on site, and there are existing connections to the surface water and foul sewer located in Sheffield Road.

Policy CS25 'Dealing with Flood Risk' states: "Proposals will be supported which ensure that new development is not subject to unacceptable levels of flood risk, does not result in increased flood risk elsewhere and, where possible, achieves reductions in flood risk overall..." In addition, SP47 'Understanding and Managing Flood Risk and Drainage' states: "*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...c) consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties.*"

The Council's Drainage Engineer has indicated that the majority of the information submitted with the application is satisfactory. However, they have a slight concern that the model predicts flooding from the system during a 100 + 30% climate change event. Whilst guidance says flooding from a 100 year + 30% climate change event may be accommodated on the surface if retained on site, the topography of the site means the flood water is likely to run off the site. Accordingly, it is considered that the size of the attenuation needs to be reassessed.

However, as this change should not greatly affect the development, Drainage Engineers are satisfied that this can be conditioned, by requiring the submission of drawings for approval before any drainage works or above ground development is undertaken.

Therefore, subject to conditions the proposed development would not give rise to any adverse drainage or flood risk issues and would satisfy the policy guidance detailed above.

Affordable Housing

The Affordable Housing provision on the site will exceed the Council's 25% requirement. The scheme is intended to be 64% Affordable Housing, comprising:

- 25 x apartments for Affordable Rent

A grant funding bid will be submitted to Homes England to support the delivery of the affordable units within the scheme. All of the affordable properties will be let directly by the Council.

This scheme complies with the Council's affordable housing policy set out at policy CS7 'Housing Mix and Affordability'. Of the 39 units in total 25 of these will be for affordable rent tenure, with the remaining 14 houses being available for market sale. This is a regeneration scheme which is being developed by the Council and therefore all the affordable housing units will be occupied by people on the Council's housing waiting list. This will be secured by a condition.

Land Contamination

The site currently comprises of Millfold House (a now dilapidated building) within the western part of the site. The above report has confirmed that at the time of writing the report the eastern portion of the site was occupied by an operational vehicle scrapyard. In the centre of the site there were 3 single storey dilapidated brick sheds of unknown use.

The site has been occupied by several buildings in the western half since at least 1853. The eastern part of the site is shown as undeveloped. By 1934 Millfold Works (a paint and varnish company) had been constructed across the site and the layout appears to have remained the same since.

The reported combined site investigation works comprised the drilling and installation of boreholes, the excavation of several trial pits and the installation of groundwater/gas monitoring standpipes. On first inspections there was no visible evidence of contamination.

Unfortunately, due to the reported presence of 'materials' associated with the operational vehicle scrapyard and the presence of the dilapidated buildings (Millfold Works and brick sheds), not all areas on site could be investigated and for this reason it is recommended that further limited site investigation works be undertaken within these areas to assess for any potential geotechnical and geo-environmental risks.

Soil samples were collected from several accessible locations across the site and submitted to an accredited laboratory for chemical testing. A number of exceedances were recorded against threshold criteria values for a number of heavy metals (particularly lead) and polycyclic aromatic compounds (PAHs). Remediation works will therefore be required to ensure there will be no risks posed to human health. It is considered that a soil capping layer in all gardens and areas of soft landscaping will be required.

It is considered the risk to groundwater from leachable soil contamination at the site is low.

Gas monitoring was undertaken during the 2016 and 2019 site investigations. The combined results presented show that negligible methane gas was detected; however carbon dioxide gas was recorded with a maximum concentration of 6.6% (v/v) with a maximum flow rate of 1.5l/hr. A Gas Characteristic Situation 2 has been assumed for the site and gas protection measures will be required for each new build. In conclusion it is considered that remediation works will be required to bring the site to a suitable condition so as to be protective of human health for its proposed end use, and these shall be secured via conditions.

Education

An Education contribution would be requested for this development for Secondary Education. The school, Oakwood High, is always oversubscribed. As per Education Service S106 policy it would be the number of dwellings chargeable x £2,521. This equates to £2,521 x 14 (as affordable housing units are not chargeable) = £35,294.

Waste Management

Policy WCS7 'Managing Waste In All Developments' requires all development proposals (excluding minor planning applications) to submit a waste management plan as part of the planning application. No Waste Management Plan has been submitted with the application, however it has been agreed that this will be conditioned as there is currently no known end user at this time.

Conclusion

It is concluded the application represents an acceptable form of development on this key gateway site which is of an appropriate design that would not adversely affect the character or appearance of the locality or the setting of nearby Listed Buildings. Furthermore, subject to conditions, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or drainage, ecological, environmental or mining concerns, while providing much need affordable housing.

The proposal is therefore considered to comply with the up-to-date development plan and there are no material considerations that would conflict with this, thus as advocated in paragraph 11 of the NPPF the proposal constitutes sustainable development and the application should be approved "without delay".

The application is therefore recommended for approval subject to conditions and the signing of a s111 agreement for the provision of financial contributions towards improvements to, and maintenance of the public open space, education places and promotion of sustainable travel measures.

Conditions

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered **6, 17, 18 and 25** of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.

ii. The details required under condition numbers **6, 17, 18 and 25** are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

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

MFH-BBA-ZZ-ZZ-DR-A-1010-P02, received 20 September 2019
MFH-BBA-00-ZZ-DR-A-1001-P02, received 20 September 2019
MFH-BBA-Z0-01-DR-A-2003-P05, received 20 September 2019
MFH-BBA-Z0-02-DR-A-2004-P05, received 20 September 2019
MFH-BBA-Z0-03-DR-A-2005-P05, received 20 September 2019
MFH-BBA-Z0-GF-DR-A-2002-P05, received 20 September 2019
MFH-BBA-Z0-LG-DR-A-2001-P05, received 20 September 2019
MFH-BBA-Z0-XX-DR-A-3001-P04, received 20 September 2019
MFH-BBA-Z0-XX-DR-A-3002-P04, received 20 September 2019
MFH-BBA-Z0-XX-DR-A-3003-P04, received 20 September 2019
MFH-BBA-Z0-XX-DR-A-4001-P04, received 20 September 2019
MFH-BBA-Z0-XX-DR-A-4002-P04, received 20 September 2019
MFH-BBA-Z1-XX-DR-A-3001-P03, received 20 September 2019
MFH-BBA-Z1-XX-DR-A-0001-P03, received 20 September 2019
MFH-BBA-00-00-DR-A-1007-P16, received 20 September 2019
MFH-BBA-ZZ-ZZ-DR-A-4001-P01, received 20 September 2019
MFH-BBA-ZZ-ZZ-DR-A-1012-P02, received 20 September 2019
MFH-BBA-ZZ-ZZ-DR-A-1011-P02, received 20 September 2019
MFH-BBA-00-01-DR-A-1006-P15, received 20 September 2019
MFH-BBA-00-04-DR-A-1003-P13, received 20 September 2019
MFH-BBA-00-03-DR-A-1004-P14, received 20 September 2019
MFH-BBA-00-LG-DR-A-1008-P14, received 20 September 2019
MFH-BBA-00-02-DR-A-1005-P14, received 20 September 2019
MFH-BBA-ZZ-05-DR-A-1009-P11, received 18 October 2019

Reason

To define the permission and for the avoidance of doubt.

03

The development shall provide 25 affordable housing units (64% of the total units proposed) on site, unless otherwise agreed in writing by the Local Planning Authority. These units shall relate to the apartments and be for Affordable Rent.

Reason

In the interests of securing affordable housing.

04

No development shall take place above ground level 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.

05

The buildings which adjoin no. 78 Westgate shall not be demolished until a scheme for making good the north facing elevation of buildings at no. 78 Westgate has been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out before the site is brought into use.

Reason

To ensure no.78 Westgate is left in a safe and appropriate state in the interests of visual amenity.

Highways

06

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

- details of the proposed access to the site for all vehicles associated with the development on the application site;
- traffic management measures during the construction work;
- the location of the site compound and staff parking;
- measures to deal with dust;
- measures to deal with mud in the highway;
- details of proposed hours of construction on/deliveries to the site;
- measures to prevent exposure of the water environment from dust, debris or silt-laden run-off from the construction 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 amenity.

07

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

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

The area shall thereafter be maintained in a working condition.

Reason

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

08

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

Reason

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

09

Prior to the development being brought into use, 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.

Amenity

10

Glazing and ventilators shall meet the following specifications in terms of minimum sound insulation performance. Any variation from these specifications requires written approval from the Local Planning Authority prior to first use of the building:

Dwellings	Façade	Minimum sound insulation performance	
		Glazing (dB Rw + Ctr)	Ventilator (dB Dn,e,w +Ctr)
West Block	North East & South East	36	42
	West	28	36
East Block	All Facades	28	36

Reason

In the interests of the amenity of future occupants.

Drainage

11

No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of the public sewer i.e. a protected strip width of 10 (ten) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason

In order to allow sufficient access for maintenance and repair work at all times.

12

The site shall be developed with separate systems of drainage for foul and surface water on and off site. Surface water shall be restricted to a maximum of 21.8 (twenty one point eight) litres per second.

Reason

In the interest of satisfactory and sustainable drainage.

13

Drainage works or above ground development shall not begin until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus 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.

Landscapes

14

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

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

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

Reason

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

15

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.

Ecology

16

The development shall be carried out in accordance with the recommendations of the submitted and approved Preliminary Ecological Assessment (dated 5 March 2019). Thereafter such approved measures shall be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

In order not to disturb any bats or birds and to make adequate provision for species protected by the Wildlife & Countryside Act 1981.

Land Contamination

17

Prior to development commencing a limited and targeted Phase II Intrusive Site Investigation should be undertaken in areas previously inaccessible, to confirm the nature, presence and extent of contamination within these areas and the risk it presents to human health and controlled waters. A scope for investigation works will be forwarded to the Local Authority for review and comment prior to any investigation works commencing. The investigation and subsequent risk assessment must be undertaken by competent

persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The above should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 -4).

Reason

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

18

Prior to development commencing a Remediation Method Statement shall be submitted to and approved by the Local Planning Authority prior to any remediation works commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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.

19

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

Reason

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

20

Foundations for the site shall be in accordance with section 8.3, subsection 8.3.1 of the above report entitled 'Millfold House, Rotherham – Supplementary Ground Investigation Report' – prepared by ECUS Ltd, dated May 2019, reference RZ-12452-190430-P2, Final Version

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.

21

Gas protection measures will be installed within the new build and shall be in accordance with a Gas Characteristic Situation 2 which has been identified at the site. Details of the gas protection measures to be installed will be forwarded to this Local Authority for review and comment.

Reason

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

22

If subsoils / topsoils are required to be imported to site for remedial works or garden/soft landscaping areas, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination.

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.

23

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

Reason

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

Waste Management

24

Prior to the development being first occupied a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan will need to include:

- 17) information on the amount and type of waste that will be generated from the site;
- 18) measures to reduce, re-use and recycle waste within the development, including the provision of on-site separation and treatment facilities (using fixed or mobile plants where appropriate);
- 19) an assessment of the potential to re-use or adapt existing buildings on the site (if demolished it must explain why it is not possible to retain them);
- 20) design and layouts that allow effective sorting and storing of recyclables and recycling and composting of waste and facilitate waste collection operations during the lifetime of the development;
- 21) measures to minimise the use of raw materials and minimise pollution of any waste;
- 22) details on how residual waste will be disposed in an environmentally responsible manner and transported during the construction process and beyond;
- 23) construction and design measures that minimise the use of raw materials and encourage the re-use of recycled or secondary resources (particularly building materials) and also ensure maximum waste recovery once the development is completed; and
- 24) details on how the development will be monitored following its completion.

The agreed details shall be implemented and thereafter maintained.

Reason

To minimise the amount of waste used during the construction and lifetime of the project and to encourage the re-use and recycling of waste materials on site.

Archaeology

25

Part A (pre-commencement)

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

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

Part B (pre-occupation/use)

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

Reason

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and

significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

Air Quality

26

Before the first dwelling is occupied, a plan for the installation of Electric Vehicle charging points within the development, including their location, shall be submitted to and approved in writing by the Local Planning Authority. The electric charging points shall be installed in accordance with the approved details within a timescale to be agreed in writing and shall thereafter be maintained as such.

Reason

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

Informatives

01

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

02

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

Furthermore, vegetation removal should be undertaken outside of the bird breeding season, March to September inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

03

Where possible works including site clearance, should be undertaken outside the breeding bird season (typically March to September, inclusive). If this is not possible, a walkover survey should be undertaken by a qualified ecologist to ensure the site is clear.

04

To increase invertebrate species and enhance the attractiveness of the site for birds, bats and other fauna, the site would benefit from a sensitive planting scheme which could include native broadleaved trees and wildflower species. Suggestions are outlined within Appendix Three of the PEA. Upon finalisation of site plans, biodiversity enhancements can be compiled.

05

The developer should note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

06

On the Statutory Sewer Map, there is a 900 mm diameter public surface water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme.

- i) In this instance, a stand-off distance of 5 (five) metres is required at each side of the sewer centre-line and it may not be acceptable to raise or lower ground levels over the sewer, nor to restrict access to the manholes on the sewer.
- ii) A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

07

The development shall be designed and built to achieve Secured by Design standards.

08

The planning permission is subject to a Legal Agreement (Obligation) under Section 111 of the Town and Country Planning Act 1990. The S111 Agreement is legally binding and is registered as a Local Land Charge. It is normally enforceable against the people entering into the agreement and any subsequent owner of the site.

POSITIVE AND PROACTIVE STATEMENT

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