

## REPORT TO THE PLANNING BOARD TO BE HELD ON THE 22<sup>ND</sup> JULY 2021

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

<b>Application Number</b>	<b>RB2020/1989</b> <a href="https://rotherham.planportal.co.uk/?id=RB2020/1989">https://rotherham.planportal.co.uk/?id=RB2020/1989</a>
<b>Proposal and Location</b>	Demolition of existing single storey building and erection of an extension to medical centre, Broom Lane Medical Centre, 70 Broom Lane, Broom
<b>Recommendation</b>	Grant subject to conditions

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



### Site Description & Location

The site comprises of the Broom Lane Medical Centre which lies on the southern elevation of Broom Lane. The existing Surgery was originally a shop before being converted to a medical centre in the late 1980s. The site currently comprises a split level building due to the significant drop in land levels to the rear of the site, along the western elevation.

Parts of the western elevation of the building is up to four storey in height with two storeys located below ground level.

The eastern end of the site has historically been used as a bungalow and is currently within a separate ownership to the medical centre. In 1994 this property was included within the boundary of the medical centre but does not appear to have been implemented. This residential property would be demolished to make way for the site of the extension.

## **Background**

Planning applications indicate that the site has been used as a medical centre since approximately 1986. The site has been subject to various extensions and alterations in the 1990s and 2000s.

In 1994 there was an application to extend the surgery (RB1994/0909) which included the bungalow at no. 72. However, it appears that this was not implemented, and this section of the site has remained as a residential property.

The following supporting documents have been submitted with the application:

### Design and Access Statement

The design and access statement provides the site context, the need for the extension to the medical centre, the design brief, design approach and sustainability.

### Flood Risk Information

The Statement identifies that the site is within Flood Zone 1 and therefore not at risk from flooding. From a surface water point of view it can be seen that there is risk of flooding to the rear of the Site this is due to the access road down to the basement. This is purely a localised area of surface water flooding and does not have any areas outside of the Site boundary contributing to the shown flooding. Therefore, it is considered that this is only caused by water landing on the access road. There have been no known instances of flooding on Site, providing a suitable drainage system is maintained to drain this area the risk to the Site is Low.

### Supporting Transportation Information

The summary of this document states that the site is well located for access to bus services from a range of locations within the patient catchment area and is also well connected by a network of footpaths and cycle routes.

The proposals include an increase of patients from 8,300 to 10,000 patients; an increase from nine to 14 consulting rooms / 1 treatment room and an increase from seven to 17 parking spaces. The number of parking spaces currently serving patients attending appointments is less than number of consulting / treatment rooms and the proposal is for a greater number of parking spaces compared to the number of consulting / treatment rooms and

the assessment has shown that there would be a negligible impact on overspill parking with the maximum worst-case predicted parking accumulation, which has been derived using robust assumptions. In conclusion taking the above into consideration, the impacts cannot be considered severe in terms of NPPF and SLR would conclude there are no traffic or transportation grounds on which to refuse this application

In addition, the following documents have also been submitted from the applicant's highway consultant.

- Anticipated trip generation and parking accumulation table.
- This is based on vehicle trips for the medical centre (existing, plus proposed), based on the results of the patient and staff travel survey; and Vehicle trips for the existing medical centre, based on the results of the patient and staff travel survey.

A swept path assessment has also been submitted which demonstrates that the proposed parking spaces can be accessed/egressed appropriately.

## **Proposal**

The proposal seeks to demolish an existing single storey bungalow (which is currently used as office space for the Medical Centre) and provide an extension to the existing medical centre to provide a net increase of 7 rooms (including one treatment room) and associated support facilities that meet current NHS guidance and provide improved DDA access.

The applicant has indicated in the Design and Access Statement that the proposed extension has been undertaken with NHS requirements which can be summarised below:

### **General considerations**

- A building of architectural quality.
- A welcoming and non-institutional feel to the building.
- Natural light and ventilation to all principal rooms.
- A feeling of space to the main public areas
- Doctor and staff private access to the clinical suite.
- Reception with clear observation of the entrance(s), and waiting room(s)
- Access to clinical suite controlled by reception.
- Disabled access throughout.
- Use of renewable technologies where possible

The schedule of accommodation sets the Gross internal area of the building as well as individual room sizes and for Primary Care buildings an allowance of 35% is normally given for "circulation". This includes not only the corridors, lifts and stairs but also the internal wall thickness which is around 6%-7% and is hard to achieve whilst maintaining the quality of the building.

- The position of the building on the site has taken account of the existing neighbouring properties and patient privacy issues.

- The building extension has been set back from the main road to provide privacy, maintain a similar frontage as the existing building and allow for additional patient parking.
- The building extension's is to have a contemporary appearance comprised mainly of cream render, brickwork and cladding.
- In addition the building will achieve a pre-assessment BREEAM rating of over 60% (very good) and the proposals will achieve low levels of energy consumption under Building Regulations (Part L).
- Allowance has been made in the design for PV panels to be located on the main roof.

Following a request from Highways, the parking layout has been amended in order to create more useable parking spaces. In addition a Car Parking Management Plan along with a Travel Plan has been submitted for consideration.

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

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 28th June 2018.

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

Core Strategy policy(s):  
CS3 Location of New Development  
CS28 Sustainable Design

Sites and Policies  
SP11 Development in Residential Areas  
SP55 Design Principles  
SP62 Safeguarding Community Facilities  
SP64 Access to Community Facilities

### **Other Material Considerations**

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

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

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

## Publicity

The application has been advertised by way of individual neighbour notification letters to adjacent properties (08 December 2020). Nine letters of objection have been received, including from local Ward Councillors and can be summarised as follows:

- Acknowledgement that additional health care capacity is welcomed.
- There are long established existing parking problems in this location which will be exacerbated by this development.
- No designated drop-off/pick up points of patients adding to road congestion and stopping flow of traffic, blockage of bicycle lane and frequent road rage from road users.
- Excessive commercial vehicle entry/exit points onto Broom Lane over a short stretch of road causing traffic jams.
- Increase in noise pollution from additional opening hours and services resulting in no “quiet time” for residents on a weekend or early evening enduring more of the negative points of traffic and parking issues.
- Concern that the change of use from residential property to commercial property in a predominantly residential area that was not designed for more commercial uses.
- Worsening of air quality due to waiting cars picking up and dropping off patients.
- The extension should be single storey only.
- The development should be located on a purpose built site where there is sufficient car parking.
- Increase in overlooking to nearby garden areas.
- Concerns with the structural integrity of the existing retaining wall.
- Another site should be selected that can better suit an expanded medical centre (eg Herringthorpe Leisure Centre).
- Congestion - due to additional patients travelling by car to this section of Broom Lane and looking for a place to park.
- Pedestrian safety (particularly children, elderly and disabled) - due to increased vehicles passing over footpath to enter two new car parks of the proposed site. On this section of footpath (72 Broom Lane) there is poor visibility between road users and pedestrians due to vehicles parking on the highway either side of accesses for the new car parks.
- Safety of road users (particularly motorcycle and cycle road users) - due to poor visibility between road users and vehicles joining the public highway from the proposed 2 new car parks of the medical centre.
- Parking - inadequate on-site parking and increased parking on the surrounding roads near the medical centre.
- The application should have been supported by a full Transport Assessment.
- The trips to the pharmacy are not included within the assessments
- The car parking spaces are not suitable for large family cars.
- An existing car parking bay is lost due to the widening of the site access
- No provision is made if vehicles enter the parking area and there is no space, this would result in reversing onto Broom Lane.

- The proposal does not accord with the Council's parking standards.
- There are no additional disabled spaces proposed.
- There are a number of other land uses in the vicinity which attract a high level of vehicular trips including a Post Office, Convenience Store, General Store, Hair salon and sandwich shop. Combined parking is not considered.
- The site is not easily accessible by public transport.

In addition a petition of 69 signatures in opposition to the proposal has been received and can be summarised below:

- Road safety issue due to new access and the potential for additional pedestrian and vehicular conflict.
- Potential increase in congestion due to additional 2no. parking spaces.
- Inadequate on site parking.

Four residents have requested the Right to Speak in addition to the applicant.

### **Consultations**

RMBC Transportation Infrastructure Service – confirms that the application is supported by a number of transport documents and amendments have been sought during the application in terms of the design of parking bays to ensure that they are accessible. These documents have been assessed and accepted.

The supporting transportation information concluded that the demand associated with the additional rooms and 3 full time equivalent staff will be met by the additional 10 parking spaces and would not result in any additional demand for off site car parking.

Environmental Health – 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:

- The principle of extension

- Highway safety issues
- The impact of the proposed development on nearby residential properties
- The design of the proposal, impact on the street scene and character of the immediate surrounding area
- Other issues

#### Principle of the extension and reasons for application

The application site is allocated for residential use in the Local Plan. Policy SP11 Development in Residential Areas states that:

*“Residential areas identified on the Policies Map shall be retained primarily for residential uses...Non-residential uses will be considered in light of the need to maintain the housing land supply and create sustainable communities, and normally only permitted where they:*

- a. are ancillary and complementary to the residential nature and function of the area; and*
- b. are no larger than is required to meet the needs of local residents; and*
- c. will not have an unacceptable impact on the residential amenity of the area; and*
- d. demonstrate how they will be of benefit to the health and well-being of the local population.”*

The western area of the site is used an existing medical centre since the 1980s. The bungalow in the eastern section of the site is currently used as a residential property that is in a separate ownership to the medical centre. Although the site is allocated residential in the Local Plan there are a number of non residential uses in the immediate surroundings and the bungalow is sited between the existing medical centre and other commercial properties, including a local store and a Post Office. Overall the proposal is to expand an existing long established facility and is considered to be sited within an appropriate location.

The application will allow the two GP Practices below to be combined onto the Broom Lane site

- Broom Lane Medical Centre, Broom Lane, Broom, Rotherham
- Broom Valley Medical Centre, 102-104 Broom Valley Road, Rotherham,

Broom Valley Medical Centre only has 3 consulting rooms and the whole space is not fit for purpose. The clinical rooms are all undersized and non-compliant with NHS standards and current DDA regulations and no car parking provision for patients. It has a patient list size of 1,700 and the proposals are to close this branch down and relocate the patients to Broom Lane Medical Centre.

It is proposed to increase the patient list from 8300 to 10000 at Broom Lane and the applicant has summarised the objectives and benefits of this proposal below:

- Broom Lane MC is undersized at 516sqm for the service it provides and the numbers of GP's and Clinical staff employed.
- The Practice struggle to provide the numbers of appointments required and a lot of hotdesking and inefficient working results. Currently, Broom Lane MC has 8,300 patients. Based on NHS Space Guidance, the premises should be 692 sqm. With Broom Valley patients added to the equation, the premises should be 833 sqm.
- The proposals will increase the overall floor area to 846 sqm. The extension will address the current under sizing issues.
- Close down Broom Valley MC. This medical centre is non-compliant and transferring all the patients to one site will have enormous benefits to staff and patients alike. The patients are supportive of these actions.
- Extend training time for students (GP Registrars, GP Students, Paramedics and Nurses).
- Successful but limited training programme in association with Sheffield University, however, the new training contract requires students to train for 12 months within a clinical setting, instead of the current 8weeks. This will require more space and GP Training time. In addition to this, the Practice have the appetite and track record to increase the number of students, provided more space is made available.

It is considered that the applicant has provided sufficient background justification for the principle of the extension to the existing medical centre which will improve an existing medical facility within the borough. The proposal is considered to meet parts a-d as highlighted within Policy SP11 Development in Residential Areas and is considered acceptable in policy terms. The more detailed design and other considerations will be considered below.

#### Highway safety issues

This application seeks to extend an existing medical centre to accommodate patients from an outdate practice in the vicinity which does not meet operational needs (Broom Valley Medical Practice). The extension allows for some internal alterations to the existing building and provides 11 new rooms (including 1 treatment room). However as a result of the extension, the existing medical centre is reconfigured to allow for the relocation of the office space (currently in the bungalow to be demolished), improved waiting areas and staff facilities which results in the loss of 4 rooms within the existing building. Overall there is a net increase of 7 rooms (including one treatment room). The patient numbers as a result of the incorporation of Broom Valley Medical Centre are proposed to increase from 8300 to 10000 and an additional 3 full time equivalent staff will be employed. In addition, it is proposed to create an additional 10 parking spaces on site.

Paragraph 11 of the NPPF states that plans and decision should apply an presumption in favour of sustainable development.



The proposed development aims to provide an extended level of treatments including minor surgeries within the local community which will result in fewer trips to district hospitals. The medical centre is located within the community which it serves and is considered to be in a sustainable location with good access to public transport and within walking distance of a considerable amount of residential properties.

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

The application is supported by a number of transport documents and amendments have been sought during the application in terms of the design of parking bays to ensure that they are accessible. These documents have been assessed and accepted by the Council’s Transport Service.

The supporting transportation information concludes that the demand associated with the additional rooms and 3 full time equivalent staff will be met by the additional 10 parking spaces and would not result in any additional demand for off site car parking.

The Councils adopted SPD sets out maximum car parking standards in relation to doctors surgeries. The supporting document have demonstrated that by providing an additional 10 car parking spaces there will be no additional demand for on street car parking. Accordingly, the Council consider the level of provision to be appropriate.

#### The impact of the proposed development on nearby residential properties

There are no residential properties immediately adjacent the site along Broom Lane, however there are residential properties directly to the rear of the site.

The proposed extension will be located at the end of the garden areas to the properties along Beaconsfield Road and Oakwood Road East and will be positioned more than 35m from the nearest adjacent dwelling along either road. Whilst the extension will be slightly higher than the existing building, this is due to the proposed new single pitched roof. The extension is of a similar two storey scale. It is noted that the rear of the existing building is in excess of a three storey height, due to significant differences in ground levels allowing for basement development. However the extension is a two storey structure only on both the front and rear elevations and is considered to be reflective of the immediate street scene. The extension is considered to have a broadly similar appearance to the existing street scene along Broom Lane when viewed from the neighbouring residential area.

Overall the extension is considered to be of a comparable scale to the surroundings and not considered to have any detrimental impact on nearby residential properties in terms of overlooking or dominance. This element of

the extension is considered to meet the guidance within policies CS28 Sustainable Design and SP55 Design Principles.

The design of the proposal, impact on the street scene and character of the immediate surrounding area

In terms of more general design considerations the NPPF notes at paragraph 124 that: “The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.” Paragraph 130 adds 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.”

From a visual perspective the existing medical centre is considered to be of a functional design and utilitarian appearance. This was built in the 1970s and is predominantly in a brick built appearance with a dated facade. The existing single storey former bungalow property would be removed though this is not considered to be reflective of the surrounding built form or scale. The proposed extension shows a more contemporary design which is considered to improve the overall frontage to the existing building as well as the visual appearance to Broom Lane.

The extension proposes some different materials with a mix of cream render and brick finish rather than just brick in the case of the original building. The proposal also seeks to increase the level of glazing particularly when viewed from the south east. It is considered that this represents a more modern design, but in this instance the original building is considered to have a utilitarian appearance with a flat roof and small windows and it is not considered desirable to replicate all of the original features. The extension is considered to improve the visual appearance on the street scene and will enhance the appearance of the building whilst maintaining an acceptable compromise between replicating some of the brick features on the original building whilst blending in a more modern extension with contemporary materials.

Overall the proposed design is considered to be of a high quality and meets the guidance within policies CS28 Sustainable Design and SP55 Design Principles.

Other issues

Environmental Health have raised no concerns from a noise and amenity perspective, subject to a condition to restrict construction hours to normal working day to minimise disruption to the surroundings.

Drainage have raised no objections from a flood risk perspective.

## **Conclusion**

Overall the proposal for an extension to the existing Broom Lane Medical Centre on land allocated for residential purposes in the Local Plan is acceptable. The scale, external appearance and revised parking layout is considered acceptable in design terms.

The application is recommended for approval subject to conditions.

## **Conditions**

01

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

Reason

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

02

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

(Drawing numbers location plan 15/1255 40, block plan 15/1255 41, revised site layout 15/1255 54 Rev F, site plan lower ground floor 15/1255 83, floor plans lower ground floor 15/1255 55 Rev B, ground floor 56 Rev A, first floor 57 Rev A, elevations 15/1255 59, cross sections 15/1255 60, roof plan 15/1255 61)(received 08.12.20, 24.02.21 and 13.07.21)

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

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

a/ a permeable surface and associated water retention/collection drainage, or;  
 b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.  
 The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained 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.

05

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

Reason

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

Communication/Sustainability

06

Prior to the occupation of the extension, details of one vehicle charging point per new parking bay shall be submitted to and approved by the local planning authority. The extension shall not be brought into use until the charging point has been provided and shall thereafter be retained.

Reason

In the interests of sustainable development and air quality

07

The measures contained within the Travel Plan (ref Pennington Choices Ltd. Client Ref 11447) shall be fully implemented during the lifetime of the development.

Reason

In order to provide the opportunity for sustainable modes of transport as well as to minimise negative impact on current air quality.

08

Prior to the first use of the extension a scheme shall be submitted to and approved in writing by the Local Planning Authority for the alterations to the existing marked out highway car parking and St Andrew's crosses (white lining) on the site frontage. The approved works shall be implemented prior to the first occupation of the extension.

Reason

In the interest of highway safety.

### Informatives

The applicant is advised of the following

01

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

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

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

### POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	<b>RB2020/2029</b> <a href="https://rotherham.planportal.co.uk/?id=RB2020/2029">https://rotherham.planportal.co.uk/?id=RB2020/2029</a>
<b>Proposal and Location</b>	Erection of 99 no. dwellinghouses with associated parking, access, landscaping and ancillary works at land off Park Hill, Swallownest
<b>Recommendation</b>	<p>A. That the Council enter into a 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"> <li>• 17 Affordable Housing Units on site (less than 25% but provided 8 bungalows on a 2 for 1 basis)</li> <li>• A commuted sum of £233,182, towards secondary education provision at Aston Academy</li> <li>• A commuted sum of £49,500 towards sustainable travel encouragement</li> <li>• A commuted sum of £34,100 for the future management and maintenance of the council tree stock to the south of</li> </ul>



The site comprises fallow farmland, Park Hill is to the south beyond fallow farmland that sits outside of the application site and Rotherham Road to the east beyond fallow farmland outside of the application site. The south, eastern and northern boundaries of the wider farmland are lined by trees and hedgerows. Immediately, to the west of the site lies Park Hill Farm. The land levels of the site rise towards its centre.

The area surrounding the site is predominately residential to the south and east, with a car MOT centre lies immediately to the south of the site, and the Swallownest Miners Welfare Society and Sports Pitches are located immediately to the north of the site.

Swallownest local centre is located around 200 metres to the east of the site where a variety of services and amenities are accessible. There are two infant schools, three primary schools and one secondary school situated within a 2km walking distance of the site.

Several heritage assets are located in close proximity to the site including the Grade II listed Cowhouse flanking the east side of farmyard at Park Hill Farm, and the Grade II listed barn flanking the west side of the farm yard, both of which have been converted to residential properties. Later 20th century dwellings and outbuildings have been constructed to the east and west of the farm complex.

## **Background**

There have been no planning applications relating to this site since the early 1970s.

## **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 development proposal includes the erection of 99 dwellings, the provision of new access, with associated landscaping, and associated works, which will include boundary treatment and an on-site play area which meets the LAP (Local Area of Play) standards.

The proposal includes a mix of one, two, three and four bedroom homes. This includes 17 affordable housing units which will include 8 bungalows. The remaining affordable housing units will be a mixture of one and two bed dwellings. The open market dwellings will be a mix of three and four bed dwellinghouses.

The proposed development will provide a variety of properties types which will be either one or two storeys in height. There will be no properties greater in scale than 2 storeys.

The dwellings will be constructed using three brick types; a Village Harvest Multi light brick, a red Woodside Mixture brick and a Village Oatmeal Buff brick. The roofs of properties across the development will either be slate grey or a red rustic pantile.

Trees and vegetation will be retained along the frontage of the site on Park Hill. Beyond this boundary line at the entrance of the site is a proposed area of open space overlooked by properties set back from the listed buildings to the west at Park Hill Farm.

The curtilages of residential properties will mostly be demarked through the erection of close screen fences, and in some key locations by screen walls. Public and private spaces will be separated through the use of metal railings and timber knee rails.

The existing hedgerow around the Park Hill Farm properties will be maintained and the boundaries to those properties and along the western boundary of the public open space that runs adjacent to private driveway to those properties will be enhanced with a 1.1m high estate railing. Along the western boundary and to the south of the Local Area of Play (LAP) area, native shrubs will be planted to within the public open space and the Landscape Buffer areas to provide added protection and security.

Adjacent to the clubhouse of the football pitch to the north, the nearest properties to the clubhouse will have a 2m high closed boarded timber acoustic fence along their northern boundaries. A ball catch fence is also proposed along the northern boundary of the site which would be approximately 1.5 metres high due to the change in levels between the football pitch and the application site being approximately 3m to 3.7m.

The sole vehicular access into the site will be taken from Park Hill adjacent to the entrance of Park Hill Farm. This access road is the main road through the development, which loops around to the north west of Park Hill Farm.

It has been designed to a 20 mph design speed, with junctions and bends naturally providing speed reducing features through the scheme.

Should the land to the east, adjacent to Rotherham Road and to the south between the application site and the rear of the car repairs garage come forward for development, the current scheme has incorporated a potential access through this site to unlock the land outside of the application site. This could also feed into a pedestrian link to Rotherham Road through the land outside of the applicant's control.



Each property will be provided with off-street car parking. In total there will be 200 off-street car parking spaces, in addition to 5 visitor car parking spaces, 8 detached garage spaces and 46 integral garage spaces, bringing the total number up to 259 spaces.

Cycle parking will be provided within garages, both integral and detached.

The proposal includes an area of open space between Park Hill Farm to the west and the proposed dwellings to the east, this area also acts as a buffer between the proposed dwellings and the listed barns at the farm. A further area of public open space is proposed to the north-west corner of the site. Within the landscape buffer to the north of Park Hill Farm a LAP is proposed together with a footpath through the area.

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

#### Design and Access Statement

The statement provides details on relevant national and local planning policies, the site context, how the scheme has developed and details of the final design.

#### Building of Life Assessment

An assessment of the 12 standard requirements was submitted. It concluded that 11 of the 12 requirements would receive a green rating, while one would have an amber rating.

#### Planning Statement

The statement sets out in expands in further detail similar information that contained in the Design and Access Statement.

#### Affordable Housing Statement

This sits within the Planning Statement and provides details as to why the development is providing less than the required 25% affordable houses provision on this site.

The statement sets out that the development will include 17 affordable dwellings, which equates to a provision of 17%. However, of these 17 dwellings, 8 are proposed to be bungalows.

#### Masterplan

This has been submitted to demonstrate the potential for the delivery of housing allocation land not in the applicant's ownership or control.

## Landscape and Visual Appraisal

The objectives of the LVA are 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 LVA is used to inform the continued design development of the proposed development and to explain the likely landscape and visual effects that may arise as a result of the proposed development.

The LVA identifies that the proposed development would result in predominantly neutral to negligible adverse visual effects from mid-range residential and recreational receptors. Adjacent roads and residential properties to the south and east will initially experience moderate adverse visual effects but these will improve to neutral to minor adverse visual effects in the long term.

The proposal retains the key site landscape features resulting in a generally long-term neutral to minor beneficial landscape effect, with a major adverse effect which are to be expected through the removal of the arable field. As the site has been allocated for housing within the local plan this effect is considered to already have been accepted by the local authority to be outweighed by the benefits of housing.

The proposal will have a neutral effect on published national and local landscape character areas, and a negligible beneficial effect on the site character. The proposal would not have an adverse impact on identified landscape designations and responds positively to national and local policy.

## Tree Survey

A plan has been provided indicating the trees on and around the site. The plan provides details on the category of the trees and indicates that 6 trees will be removed. Two will be removed on the boundary adjacent Park Hill (T2 and T3) to allow the access to be created and four trees will be removed (T60, T61, T62 and T63) adjacent to the northern boundary of the Park Hill farm buildings, two Silver Birch which are dead and two are Ash trees which have some signs of die back.

## Preliminary Ecological Appraisal Survey

The survey looks at potential ecological constraints associated with the proposed development site.

The report is based on a desk study of designated wildlife sites and records of protected or notable species and an extended Phase 1 Habitat Survey carried out in September 2020.

The survey indicates that proposals will need to consider the NPPF hierarchy of Avoid-Mitigate-Compensate in minimising any loss of biodiversity. It also recommends an Ecological Impact Assessment should be produced as well as a Biodiversity Masterplan Plan.

### Transport Assessment

The TA concludes that the site is well served by existing transport provision and is accessible to a range of key services and facilities. It also concludes that the traffic generated by the proposals will not result in a detrimental impact on the surrounding road network.

### Travel Plan

The Interim TP sets out measures to encourage sustainable travel patterns and reduce the reliance on private car use.

### Road Safety Audit

The scope of the proposed highway works being undertaken in the Stage 1 RSA includes; Site access onto Park Hill via a ghost island priority junction; New footway and Road markings.

The RSA flagged the following problems:

1. A lack of suitable uncontrolled crossing facilities will increase the risk of pedestrian/vehicle collisions.
2. Details of vehicle tracked movements are not provided on the drawings. Inappropriate carriageway widths and turning radii can result in increased vehicle collisions as well as pedestrian-vehicle collisions.
3. Inappropriate drainage may lead to ponding resulting in standing water resulting in loss of control type collisions.
4. A lack of suitable uncontrolled crossing points can increase the risk of NMU/vehicle collisions.
5. Cars parked along Park Hill represent an obstruction and will increase the risk of shunt/side swipe type collisions.
6. A lack of suitable on carriageway cycle facilities will increase the risk of cycle/vehicle collisions.
7. Details of the dimensions and sizes of the new junction is not provided, the provision of substandard junction layouts can lead to an increased risk of shunts, loss of control and lane change collisions.

The RSA provided the following recommendations which correlate to the numbers above to overcome each problem:

1. Consider carefully the location of an uncontrolled crossing of Park Hill. Due to the issues of horizontal visibility, the location of the crossing needs to be carefully considered and ensure that full envelope of visibility is provided at this point. In addition, it is recommended that a

central pedestrian refuge is included allowing pedestrians to safely cross Park Hill without standing where vehicles may be turning.

2. Provide swept path movements at the junction.
3. Provide appropriate drainage at the new access junction.
4. Provide uncontrolled dropped crossing points that meet the required standards across the site access.
5. Consider the impact of on street car parking in the detailed design ensuring that adequate lane widths are provided to allow safe passage of vehicles without encroaching into the ghost island right turn. On street car parking restrictions may also be required.
6. Consider at detailed design how the existing cycle facilities will be incorporated into the new access arrangements.
7. Ensure that the new junction fully comply with the relevant design standards.

### Designers Response to RSA

The designer provided a response to each of the problems and solutions indicated in the RSA. The responses correlate with the numbers above:

1. An uncontrolled pedestrian crossing with a refuge island has been provided to the west of the site access. The vertical visibility envelope from a driver travelling in each direction to the crossing has been provided and shows a drivers eye height of 1.05m to an object height at the crossing point of 0.6m
2. A swept path analysis of a refuse vehicle undertaking all manoeuvres at the junction has been submitted.
3. Appropriate drainage will be provided as part of the Section 278 detailed design.
4. Given the proposed footway section along the site frontage on Park Hill provides a route for future pedestrians accessing the site and does not continue west along the northern side of Park Hill beyond the proposed pedestrian crossing, a refuge island within the site access bell-mouth is not considered necessary.
5. The on-street parking that occurs on the southern side of Park Hill will be considered as part of the detailed design. It may be that bollards are introduced to prevent future parking as part of the Section 278 detailed design.
6. The eastbound advisory cycle lane is shown on the latest drawings.
7. The junction has been designed in accordance with Design Manual for Roads and Bridges document CD 123 Geometric design of at-grade priority and signal-controlled junction and the South Yorkshire Residential Design Guide.

### Utility Report

The report assesses the potential constraints presented by the existing utility infrastructure both within the boundary and in the vicinity of the search area.

## Flood Risk Assessment

The FRA confirms that the site falls within Flood Zone 1 and the Sequential Test is satisfied. However, it provides some recommendations in order to accommodate the possibilities of flood from a catastrophic storm or blockage of the proposed drainage system.

## Statement of Community Involvement

The document sets out that letters and e-mails were sent to Local Ward Members on 26<sup>th</sup> October 2020 and approximately 58 letters were sent to local businesses and residents informing them of the proposals in November 2020.

One response was received from a local resident to this exercise, who supported the development in general but raise concerns regarding the access, increased traffic and impact on trees and wildlife.

## Built Heritage Statement

The statement sets out an assessment of the potential impacts upon the historic environment arising from the proposals. In particular the Grade II listed Fence Farmhouse barn which is now in residential use within the complex of barns to the north-west of the site. There is also Falconer Farmhouse which is a Grade II listed building located to the north side of Smallage Lane.

The statement concludes that the potential impacts of the development have been mitigated in accordance with the development guidelines for the site including the provision of substantial areas of open space/development stand-off from the Park Hill Farm building group, provision of single-storey dwellings in closest proximity to the listed buildings and in landscape treatment. The development, as proposed, accords with the provisions of the development plan and as such can be brought forward in accordance with Framework policy.

## Archaeological Geophysical Survey

The aim of the survey is to help establish the presence / absence, extent, character, relationships and date (as far as circumstances and the inherent limitations of the technique permits) of archaeological features within the survey area.

The data is relatively variable / 'noisy' and many responses are weak or fragmented and so it is possible that the full extent of sub-surface features across the site has not been determined by the survey.

## Geoenvironmental Appraisal

The appraisal included a review of the site's history and environmental setting, and a ground investigation comprising 20 trial pits, with soakaway testing undertaken in 5 pits. The Primary aims of this investigation were to identify salient geoenvironmental issues affecting the site to support the submission of a planning application, and also to enable Bellway to obtain budget costs for: foundations; and site preparatory works.

## Noise Impact Assessment

The survey discovered that local road traffic noise is the dominant noise source at the site. An assessment has been undertaken to demonstrate that noise from nearby commercial activities (a vehicle servicing and repair business and car wash) would not have an adverse noise impact.

Mitigation measures including a scheme of sound insulation and the provision of acoustic garden barriers has been established. It is understood that functions could occur at the adjacent Working Mens Club. On the basis of the noise survey being undertaken during the Covid pandemic, a noise survey associated with the functions has not been able to be undertaken. However, it is considered that reasonable assumptions have been made with regard to noise breakout during functions to identify noise control design measures associated with this source with regard to sound insulation requirements for proposed dwellings near to the WMC.

Noise associated with the proposed development would, therefore, comply with the requirements of the NPPF to avoid “significant adverse impact” and, with the proposed mitigation measures, an acceptable internal and external noise climate can be provided for future residents.

## Ball Trajectory Assessment

An assessment was carried out to assess the potential risk of footballs surpassing the boundaries of the adjacent football pitch. The assessment reviewed the site to ascertain the risk of balls landing in areas past the boundaries, and to advise on the type and level of mitigation required to provide a suitable level of protection.

A sophisticated trajectory model was developed using data from published studies on football aerodynamics and biomechanical studies of kicking. The model was used to simulate ball trajectories and the height of the ball as it surpassed the site boundary was calculated for each scenario.

The maximum height of the ball on this boundary was determined to be 3.7m. However, this boundary is subject to a topographical change of 3m, therefore most of the mitigation is achieved by this topographical change alone.

It was recommended that a ball stop mitigation of 1.5m high should be erected along the boundary with the football pitch.

## Health and Equality Checklist

The Checklist has been provided in accordance with SPD 'Healthy and Equal Communities'

## 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. 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'  
 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'  
 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'  
 SP41 'Listed Buildings'  
 SP47 'Understanding and Managing Flood Risk and Drainage'  
 SP52 'Pollution Control'  
 SP55 'Design Principles'  
 SP56 'Car Parking Layout'  
 SP64 'Access to Community Facilities'  
 WCS7 'Managing Waste in All Developments'

## **Other Material Considerations**

The revised NPPF came into effect in February 2019. It states that “Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.”

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

National Planning Practice Guidance (NPPG)

National Design Guide

South Yorkshire Residential Design Guide

Council’s Car Parking Standards

RMBC Adopted Supplementary Planning Documents:

- SPD2 – Air Quality & Emissions
- SPD5 – Healthy and Equal Communities

RMBC Draft Supplementary Planning Documents

- Affordable Housing
- Ecology

## **Publicity**

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 7 letters of representation were received to the original plans. The issues raised are summarised below:

- The application fails to make any provision for play and recreation facilities for children.
- There is a large area of public open space next to my property and there does not appear to be any boundary treatment between my drive etc and the side & rear of the existing properties where they abut these areas of Open Space. This will lead to unauthorised access to my property and others in the Park Hill Farm complex.

On receipt of amended plans which included the provision of a play area on the site and additional boundary treatment, further letters were sent out giving a further 21 days to comment on the amended plans. 18 letters of representation were received to the amended plans. 6 were from local residents who had previously commented and their comments were the same as previously put forward. 1 was from local residents who raised the following in addition to their previous comments:



- The play area should not be positioned directly behind Park House. If a Park is required for the development, it should be moved further into the proposed development so it can be easily monitored by everyone who uses it.
- We have no privacy or sufficient boundary protection from the modern development or the general public not to mention definition of the green belt to protect to overall look of the Historic Farm Setting. There is now an existing seeded grassed path which surrounds our properties and our driveway which is open for public use and could be used as a dog walk / short cut onto the Public Open Space on the front of The Complex.

The other 11 letters were from local residents who had not previously commented on the scheme and the points raised are summarised below:

- The proposed development is positioned on land higher than the listed buildings and would be clearly visible from all sides of The Barn.
- The disruption to the open fields would not contribute to the preservation of the legibility of the historic farm complex and to the setting of the listed buildings within it.
- The Houses proposed would appear as discordantly large structures and would dominate and overwhelm the historic buildings.
- The proposal would result in the encroachment of an incongruously domestic form of development into the immediate surroundings of the historic rural buildings.
- The proposal would damage the legibility of the historic farmstead and remove the separation between the historic Farmstead and a modern suburban development
- The proposed Landscaped buffer dividing the greenbelt from the new development is not substantial or situated in the correct place to comply with H85 recommendations.
- The proposed development will have an adverse effect on the setting of listed buildings which is “not acceptable” as stated in Rotherham Local Plan: Core strategy Policy SP40 of the S&P document.
- The proposal conflicts with the site development guidelines for allocation reference H85 in the S&P document
- The proposal conflicts with the Framework, which requires great weight to be given to the conservation of designated heritage assets.
- The proposal’s access road conflicts with the Highway policy which ensures that the highways are made “safe for all users”.
- The LAP (Play area) proposed is a Safeguarding Issue.
- The proposal would erode the sense of space and natural habitat on Park Hill and effect the ecosystem.
- The proposal would destroy the natural habitat which is adopted by wildlife.
- There have been deer seen on the site.
- The new road layout on Park Hill will be very dangerous where it enters the site on a blind hill involving traffic from both directions with a 40mph

speed limit and also the crossing will be in the same area which will be dangerous for pedestrians as cars will be travelling from the new site the existing site of park hill as well as the traffic coming up and down Park Hill. This will also reduce parking for residents on Park Hill, people don't always have the luxury of access to off road parking. I have off road parking on this road and struggle to get on my drive in busy periods. I also have a work van I need to park outside my house on the road.

- Accessing driveways onto existing properties on Park Hill is becoming increasing unsafe and difficult due to volumes of traffic. Extending double yellow lines will affect existing home holders disproportionately and is biased in support of the planning development as opposed to finding a workable solution for all.
- Object to the cutting down of tress use of the rural land for the number of dwellings planned. The greenfield site is home to a wild deer who are regularly seen in the fields enjoying the open space.
- Current parking will be reduced for residents on Park Hill and I'm sure this will affect our house price.
- The volume of traffic accessing and exiting the site will have a negative impact on our privacy, also lights from the cars shining into our window.
- Pollution levels will be high.
- The pedestrian island will affect our access in and out of our drive.
- Other residents will not be able to park outside their home.
- Impact on health centre and schools.
- Not enough regard is given to the access to Park Hill Farm.
- The safety of the existing residents who live on Park Hill needs further consideration when using their driveways and the currently available main road for parking.
- I am in support of the development however, more green space needs to be made available. Also I would request that a 2nd entrance to the estate is created to help ease traffic and also residents of the area get the opportunity to purchase one of the properties at a slightly reduced rate.

2 Right to Speak request has been received from a local resident on behalf of a few local residents and the applicant.

### **Consultations**

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

RMBC – Public Health: No objections.

RMBC – Affordable Housing Officer: No objections.

RMBC – Tree Service: No objections subject to conditions and commuted sum as part of a s106 agreement.

RMBC – Ecology: No objections subject to conditions.

RMBC – Conservation / Listed Building: No objections subject to conditions.

RMBC – Drainage: No objections subject to conditions.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Landscapes: No objections subject to conditions.

RMBC – Environmental Health: No objections subject to conditions.

RMBC – Education: An Education contribution for Secondary would be requested as part of our S106 policy.

RMBC – Green Spaces: No objections subject to condition regarding equipment for LAP area and s106 contribution for off-site improvements.

Yorkshire Water: No objections subject to conditions.

South Yorkshire Passenger Transport Executive: No response.

South Yorkshire Archaeology Service: No objections subject to conditions.

Sheffield Area Geology Trust: No objections.

Hallamshire Historic Buildings Society: No response.

Historic England: No objections.

Hunter Archaeological Society: No objections.

Rotherham NHS Clinical Commissioning Group: Consideration needs to be given to the impact on general practices and their estate.

SY Fire and Rescue: No objections.

SY Police Architectural Liaison Officer: No objections subject to the scheme being designed to 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
- Heritage Impact
- Impact on Highways
- Landscapes
- Trees
- Ecology / Biodiversity
- Green Spaces
- Drainage and Flood Risk
- General Amenity
- Air Quality
- Affordable Housing
- Education
- Minerals
- Land contamination and Soil Resources
- Other considerations

### Principle

The site is allocated in the adopted Rotherham Sites and Policies Document for residential and within policy SP1 'Sites Allocated for Development' is identified as Housing Site H85 (total area 6.04ha), which indicates the total site area has an indicative capacity of approximately 77 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. Aston, Aughton and Swallownest is identified as a 'Principal Settlement', which is proposed to provide 560 new dwellings as part of the Local Plan. This application will help the Council to achieve these targets as well as assisting in achieving the targets set by Central Government in the Housing Delivery Test, which prescribes a set amount of new homes within a rolling three year period that should be built within specific Local Authorities.

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.

As set out above the Local Plan for the whole allocation sets out an indicative capacity of 77 dwellings and the submitted planning application states the site, which is only part of the allocation, albeit the majority of it, will accommodate 99 dwellings. A Masterplan has been provided which shows a scheme for the remainder of the allocation which could add a further 24 properties.

Whilst the proposed number of dwellings is in excess of the indicative figure stated in the Local Plan there are mitigating circumstances in that the figure set was conservative for the size of the site, due to the need to further assess with detailed drawings the site constraints such as setting of the listed buildings, including an appropriate stand-off distance to the listed buildings.

The scheme put forward is at 28 dwellings per hectare and as discussed in detail further in the report it has been designed to accommodate a stand-off distance to the listed buildings which is acceptable to the Council's Listed Buildings officer, which will not have only a "less than substantial" impact on their setting. Furthermore, the scheme is shown to satisfy the relevant spacing distances, provide sufficient in-curtilage parking and private amenity space for future occupants. All of which ensures that the scheme proposed would not constitute overdevelopment of the site. In addition the indicative layout of a scheme for the remainder of the allocation would also be built at 28 dwellings per hectare and provide sufficient spacing distances, amenity space and parking for future residents should a scheme come forward on that part of the site. Therefore, it is considered that should the whole allocation be built out it would not be overdevelopment despite the final number being over the initial indicative number of the Local Plan. Moreover, the increased numbers will aid in the Council's Housing Delivery Targets set by Central Government.

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."*

When measured from the centre of the site, and as the "crow flies" the development would be within an 800m radius of shops, community facilities and amenities within Swallownest Centre, on Rotherham Road and on Park Hill. Where there are a mixture of convenience stores, other retail units, places of worship, schools and links to public transport all within easy walking distance of the site.

### *Housing Mix*

Adopted Rotherham Core Strategy Policy CS7 'Housing Mix and Affordability' states: *"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."*

In respect of above and the mix of housing proposed on this site it is considered that the scheme complies with the requirements of the above policy. Whilst the properties will be three and four bed two-storey there will be bungalows available as part of the affordable housing offer, which will provide an appropriate mix of dwellings on the site and in this location.

### *Healthy and Equal Communities*

The adopted SPD 'Healthy and Equal Communities' raises awareness of the links between equality and health and wellbeing and includes a checklist to assist development proposals in considering these issues at the planning stage.

The Checklist has been submitted and assessed by the Council's Public Health department and noted that the developer has considered all relevant aspects and put things in place to mitigate where needed.

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

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

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 Site Development Guidelines in the Local Plan state:

*“4. There will be a need for careful consideration of layout, design, scale, height and materials to ensure development contributes positively to the location.”*

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.

With regard to the site layout, the applicant has developed a scheme to ensure that the whole of the housing allocation can be comprehensively developed. Whilst it would provide a number of houses more than that indicated within Table 2 of policy SP1 'Sites Allocated for Development', and would only comprise of part of the allocation, the number proposed is acceptable and the indicative number set out in the Local Plan was conservative for the size of the site, due to the need for a stand-off distance to the adjacent Listed Building. However, this scheme provides a suitable stand-off distance that would not significantly harm the character, appearance or setting of the Listed Building while providing a higher number of dwellings. The level of harm will be assessed in the next section of the report.

A detailed masterplan of the whole housing allocation as required by Site Development Guideline No. 7 has been submitted. This document sets out how the land to the east and south of the application site which is within the wider housing allocation, but outside of the applicant's control / ownership, can firstly be accessed through the application site by way of an extension to the estate road that runs towards the eastern boundary of the site, and secondly a scheme that could come forward on that site which would complement the current proposal. Accordingly, the application proposals have been designed to allow potential future access into the land to the east and south, in a suitable and appropriate manner and complies with the requirements of the Site Development Guidelines.

The layout proposes one single access into the site from Park Hill, to the east of the existing private drive to the properties at Park Hill Farm. Dwellings would be sited on the eastern side of the new access road, with the west comprising of an area of public open space to provide a stand off distance to the neighbouring Park Hill Farm properties. To aid in and provide residents in the north-west corner of the site with easier accessibility through the site a footpath has been proposed through part of the public open space adjacent to the Local Area Play area. This will enable future residents to walk through the site to the junction with Park Hill in order to access the local amenities and facilities on Park Hill and in the centre of Swallownest.

With regard to the design of the dwellings, these are the housebuilders standard house types that are considered to be acceptable, in respect of their size, scale, form, design and appearance. All dwellings have uniformed features in respect of heads and sills that would run through the scheme. There will also be some detached garages sited throughout the scheme which will be of similar designs. The properties and garages will be constructed in one of three external bricks, a buff coloured brick (Forterra – Village Harvest Multi); a red brick (Forterra – Woodside Mixture) and a lighter red brick (Forterra – Village Oatmeal Buff). The roofs will be finished in either a slate grey or a double pantile rustic. All window frames, fascia and soffits as well as the door canopies will be anthracite with black rainwater goods and doors.



All the dwellings have adequate amenity space and appropriate outlooks, with internal space exceeding the national internal room standards and those set out in the South Yorkshire Residential Design Guide. The mix of dwellings types is also, on balance, considered acceptable with affordable units providing a good mixed community.

The scheme also includes 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.

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. Furthermore, the proposed boundary treatment, together with the planting which is proposed to the western boundary of the site adjacent to the existing private driveway and around the boundary with Park Hill Farm is considered appropriate for the site's setting and will provide sufficient security to existing residents of Park Hill Farm, in providing protection from people accessing the complex at Park Hill Farm through the stie.

The size and location of the various areas of public open space within the site have been sympathetically designed and will include appropriate planting, footpaths and a play area to Local Play Area (LAP) standards.

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 would not have an adverse impact on the character of the immediate surrounding area from a visual design aspect. In addition, the proposed materials would be sympathetic to the area which has a mix palette of materials. Moreover, 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. As such the proposal would comply with the aforementioned policies and Site Development Guideline No. 4.

#### Heritage Impact and Archaeology

The site is on the edge of Swallownest and there are two Grade II Listed Buildings located within the site. The Listing Buildings are known as Barn flanking west side of Farm Yard and Cowhouse flanking east side of Farm Yard at Park Hill Farm.

Details of the relevant Listing Descriptions are given below:

Barn to the west of the Farm Yard

ASTON-CUM-AUGHTON PARK HILL SK48NW (north side) 5/14 Barn flanking west side of 21.8.86 farm-yard at Park Hill Farm 6V II Barn. Early-mid C19. Coursed, dressed red sandstone, Welsh slate roof 2 storeys, 5 bays. Wallstone plinth. Central waggon entrance with boarded doors and flat arch flanked by bricked-up triple slit vents. Boarded door with bonded surround and deep lintel on right; left part of barn obscured by attached outbuilding (not of special interest). 1st-floor band beneath 5 circular pitching holes with dressed surrounds. Eaves band, hipped roof. Rear; segmentally-arched waggon entrance within later outbuilding (not of special interest). Left return. 1st-floor pitching hole as front. Unaltered easement of U-shaped planned farm group.

Cowhouse to the right of the Farm Yard.

SK48NW ASTON-CUM-AUGHTON PARK HILL (north side) 5/15 Cowhouse flanking east 21.8.86 side of farm-yard at Park Hill Farm GV II Cowhouse with hayloft. Early-mid C19. Coursed, dressed red sandstone, Welsh slate roof. 2 storeys, 5 bays. Wallstone plinth. Door with wedge lintel to bay 2, altered doorways to bays 1 and 4, windows to bays 3 and 5. 1st-floor band beneath 5 circular pitching holes with dressed surrounds. Eaves band, hipped roof. Rear: 5 pitching holes as front. Left return: blocked triple slit vents to ground floor, matching pitching hole above. Faces contemporary barn and forms important element of U-shaped planned farm group. Included for group value.

In terms of the impact on the setting of the Grade II Listed Buildings, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Policy SP40 ‘Listed Buildings’ states that *“Development proposals affecting a Listed Building, or its setting will be considered against the following principles: (amongst other things)*

- a. 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...”*

Policy SP 46 ‘Conserving and Recording the Historic Environment’ states that *“All proposals affecting a heritage asset will require careful assessment as to the impact and appropriateness of development to ensure that the historic, architectural, natural history, or landscape value of the asset and / or its setting are safeguarded and conserved, and any conflict avoided or minimised in accordance with the policies of this Local Plan.”*

The NPPF states at paragraph 189 that: *“In determining applications, local planning authorities should require an applicant to describe the significance of*

*any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."*

The NPPF states at paragraph 190 that: *"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."*

The NPPF further states at paragraph 193: *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*

The Site Development Guidelines in the Local Plan state:

*"1. Development proposals will need to be supported with a Heritage Statement for Archaeology prepared in line with the requirements for site classification 1 highlighted yellow in Table 17 'Heritage Statement for Archaeology Requirements'.*

*2. A Heritage Statement shall be submitted with any subsequent planning application to identify the significance of on and off-site historic heritage assets that may be affected and to assess the impact of development upon them and their settings.*

*3. A highly prominent site incorporating two listed buildings makes it essential that development reflects the existing character and quality of the surrounding area. To protect the rural setting of the heritage assets a sizeable stand-off zone around the farm shall be provided within which built development will not be permitted. The extent of this zone will be informed by the Heritage Statement and agreed in writing by the Local Planning Authority. No new development should be visible from the eastern wing of the Park Hill Farm complex.*

*4. There will be a need for careful consideration of layout, design, scale, height and materials to ensure development contributes positively to the location."*

A Heritage Statement for Archaeology as required by point 1 and a general Heritage Statement in respect of the impact on the listed buildings as required by point 2 have both been submitted.

The two Grade II Listed former agricultural buildings are of local importance as recognised by their Grade II Listed Status and they are redolent of the former agricultural nature of this part of the Borough.

As part of the Local Plan preparation in 2015, an addendum to the Heritage Impact Assessment was submitted by the Council as part of the Council's evidence base in respect of this site and its potential to be reallocated from Green Belt to residential. The document comprised of various detailed information and considerations and put forward comments from Historic England, as well as options in relation to the extent of the allocation, one showed the land to the south-east of Park Hill Farm remaining as Green Belt with the rest becoming residential; a further option limited the residential to the east of Park Hill Farm.

Paragraph 4.3 of the document states: *"...the Council considers that if, during the Examination in Public into the RMBC Local Plan, the Planning Inspector accepts the Historic England approach to the protection of the listed buildings at the Park Hill Farm complex and, considers that the re-drawing of the boundaries is an appropriate response, the Council will accept the findings of the Inspector; and, following consultation on Main Modifications to amend the boundaries of the submitted allocation it will include a significantly reduced site allocation within the Sites and Policies Document on adoption of the Plan."*

However, when discussing this site during the Examination in Public, the Planning Inspector appointed by the Secretary of State for the Department of Communities and Local Government, accepted the size of the allocation as set out in the Local Plan today and did not reduce the size of the allocation in line with the options put forward by Historic England. Therefore, the Local Plan allocation as set out in the Local Plan was found acceptable by the independent Planning Inspector and the Local Plan was adopted on that basis.

It is acknowledged that the change of designation of the land from Green Belt to residential use would always significantly change and harm the setting of these Grade II Listed Buildings by encroaching suburban development into this formally agricultural area. This harm is acknowledged and is regrettable.

However, the Council's Listed Building and Conservation Officer has indicated that they accept there is an overarching need for new housing in the Borough and there is a clear public benefit to this. The decision to remove this site from the Green Belt was done through a long process of public consultation and was carefully considered and was considered by a number of statutory consultees including Historic England. The impact on the Grade II Listed

Buildings within the site is acknowledged in the Site Development Guidelines referred to above.

Point 3 quoted above makes reference to the requirement for a “*sizeable stand-off zone around the farm*”. The plans submitted with this application show that the nearest property to the northern (side) elevation of The Winnows would be approximately 60m away and 50m away from the northern boundary of The Winnows. Furthermore, the nearest property from the east (rear) elevation of The Barn would be approximately 47m away (Plot 12) and 28m from its eastern boundary.

In addition to the above, the boundary of the development site would be approximately 50m from the north (side) elevation of The Winnows and approximately 30m from the north (side) elevation of The Barn, approximately 24m from its east (rear) elevation and approximately 10m from its south (side) elevation, which abuts the area of open space.

The Council’s Conservation and Listed Building Officer is satisfied that the proposals set out in the Site Layout Plan have provided a more than sufficient stand-off zone which is set out in the Site Development Guidelines. Whilst a larger area of landscaping would always be preferable to reduce the harm to the setting of these designated heritage assets, this may well adversely affect the viability of the site and negate the purpose of changing the designation from Green Belt to Residential. In addition views of the two listed buildings from Park Hill to the south of the site would remain largely unaffected.

From a purely Listed Building perspective the Council’s Listed Building Officer is satisfied with level of information that has been submitted and is considered acceptable for this application and is in accordance with the aforementioned policies and guidance.

The landscaping is naturalistic and would help to enhance the setting of these Grade II Listed Buildings.

Whilst it is accepted that there is harm to the setting of these Grade II Listed Buildings from the proposed development, this harm is less than substantial and therefore consideration needs to be given to what public benefit is provided by the development. In this instance it is considered that this harm would be mitigated by the public benefit of providing a significant amount of new housing for Borough.

With regards, to the design of the dwellings, the Council’s Listed Buildings Officer is satisfied that the location of the properties and their design would accord with the relevant sections of the Site Development Guidelines relating to the setting of these Listed Buildings and there are no objections on this basis.

It is noted that the Site Development Guidelines at point 3, indicates that “*...No new development should be visible from the eastern wing of the Park Hill Farm complex.*” Whilst there would be some views of part of the

development from the first floor of the east facing wing of Park Hill Farm, the nearest dwelling would be approximately 47m away from this elevation and as set out above this is considered a sufficient stand off from the Listed Building. It would be almost impossible to develop this allocated housing site without there being some views of the development from this property, but the scheme submitted has looked to minimise views through the provision of appropriate boundary treatments and planting schemes.

It is of note that whilst Historic England would not be a statutory consultee on this application, because it does not relate to the setting of either a Grade I or Grade II\* listed building, they have been consulted.

Historic England have commented and stated that they have previously expressed a view on the impact on the listed buildings of developing this site for housing through the Rotherham Local Plan consultation. The Inspector took this into account when arriving at their decision during the examination process.

Historic England confirm that it is not within their defined statutory remit to comment on specific applications that affect the setting of Grade II listed buildings. Therefore, they state that Historic England do not wish to object to the application and would refer to the Council's in-house conservation specialist for detailed comments, taking into account the guidelines set out in the adopted Local Plan.

In conclusion, whilst it is accepted that the proposal would directly harm the setting of these Grade II Listed Buildings it is judged that this harm would be "less than substantial" and is outweighed by the public benefit of providing new housing for the Borough. Furthermore, the harm in terms of setting is mitigated by the landscaping buffer around the Farm Yard site and the Listed Buildings which is in accordance with the Site Development Guidelines.

Further to the above in respect of point 1 of the Site Development Guidelines, South Yorkshire Archaeology Service have indicated that the geophysical survey submitted with the application has shown some evidence that may be archaeological in origin. This will need to be investigated prior to development but can be secured by condition.

Therefore, having regard to the above it is considered that for the reasons set out above, the proposed development would satisfy the relevant policies and guidance in respect of impact on the Listed Buildings.

### 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.

#### *Proposed Development*

The site is currently undeveloped agricultural land and is situated within the settlement of Swallownest to the south of Rotherham. The site is bound to the north by Swallownest Miners Welfare and associated sports pitch and Swallownest Pre-School; to the east by B6053 Rotherham Road; to the south by Park Hill and Swift Autocentre; and to the west by a car dealership, other commercial units and agricultural land. The development proposals are for 99 residential dwellings with associated parking, road layout, landscaping and access arrangements.

#### *Trip Generation*

The site is currently vacant and therefore generates no vehicular movements. The trips likely to be generated by the proposed development have been assessed using information contained in industry based software and has used a robust methodology to analysis trips through various local junctions. The AM and PM peak trips are;

	AM PEAK		PM PEAK	
	ARRIVALS	DEPARTURES	ARRIVALS	DEPARTURES
Trip Rates	0.217	0.522	0.377	0.232
Trip Generation	21	52	37	23

#### *Traffic Impact*

The Transport Assessment has considered the impact of the above additional trips on the operation of the following junctions:

1) Site Access with Park Hill - The software has demonstrated that the junction will function well within its design capacity. A stage 2 road safety audit should be submitted in support of the access which looks at visibility and the proposed layout – right turn lane.

2) B6053 Rotherham Road / Main Street / Park Hill crossroads - The analysis demonstrates that the B6053 Rotherham Road / Main Street / Park Hill crossroad is predicted to operate within capacity during the both the AM and PM peaks in both future year scenarios

3) B6053 Rotherham Road / A57 / B6200 roundabout - The results indicate that at times the junction operates above the threshold. However, it has been demonstrated that the development proposal has little effect on the operation of the junction, with the exception of the evening peak when one or two vehicles are added to the queues on the busiest arms.

Accordingly, the TA has demonstrated that both the proposed access to Park Hill and local junctions can accommodate the additional traffic.

#### *Car and Cycle Parking*

The development will provide car parking in accordance with the Councils parking standards. Cycle parking in a format to be agreed should be provided in line with Council standards. This is not specifically addressed in the TA and should be conditioned.

#### *Pedestrian Accessibility*

As part of the scheme the developer is to provide an adopted footway on the site frontage with Park Hill which will link the site access with the existing adopted footway to the east. Whilst there are several pedestrian facilities for crossing the highway towards the east there is no refuse in close proximity to the new access to assist pedestrians crossing Park Hill to the bus stop / supermarket and school. Accordingly, such a facility should be provided. A wide range of educational, retail and leisure facilities are available within a 2km radius of the site. Whilst it would be desirable for an access to Rotherham Road, this is not possible due to land ownership issues, and the accessibility of the site is acceptable without this.

#### *Public Transport*

Existing bus stops are located on Sheffield Road, walking distance of the centre of the site. The site is served by the X5 and X55 services to and from Sheffield and Dinnington. Nos 27 and 29 also depart from stops close to the site along with the X54. Woodhouse station is around 3km from the site and provides rail services to Sheffield and stations on the Lincoln Line.



### *Cycling Accessibility*

Within the vicinity of the proposed development site there are two National Cycle Routes (NCR). The first - NCR 6 – runs through the centre of Swallownest and runs in a north to south alignment, providing both on road and traffic free cycle facilities towards Rotherham and Worksop. The second – NCR 67 – connects with NCR 6 to the south of the site and runs in a north – south alignment towards Chesterfield to the south and providing access to Sheffield city centre to the north-west after connecting with NCR 627. Sheffield Road has an uphill cycle lane.

### *Road Safety*

Local accident records are relatively few and generally slight collisions. There are no local statistics to indicate that the additional vehicular traffic that the proposed residential development is expected to generate will be significantly detrimental to road safety. No particular road safety problem has been identified in the vicinity but the frequent vehicular use of the new access will create a different hazard to that which has existed in the past and increase the risk of an accident occurring, however minimally.

### *Travel Planning*

A travel plan was presented alongside the Transport Assessment, a condition should be applied to ensure its operation and potential for enforcement. No measures have been suggested to improve the sustainability. In order to promote sustainable travel choices in accordance with the Council's Sites and Policies final draft the applicant has agreed to provide a Travel Plan as per the submission and enter into a section 106 agreement with the Council for the provision of £500 per dwelling which would be used on local improvements to aid sustainable travel.

### *Proposed site layout*

The revised site layout has addressed previous concerns and the layout now conforms with guidance from both Manual for Streets and the South Yorkshire Residential Design Guide.

### *Road Safety Audits*

The applicant has addressed previous comments raised in the critique of the road safety audit. Although it is of note that several of the points raised require more detail which will be included in the detail design, and this will be prepared along with a Road Safety Audit Stage 2 report which will need to be submitted as part of the s278 legal agreement, which would need to be agreed and signed prior to commencement on site.

It should be noted that the s278 legal agreement sits outside of planning and is a separate requirement that is required to enable the development on site

to come forward. Without the s278 works being acceptable the development cannot come forward, but as set out above this is separate to planning and is not material to the determination of this application.

### *Sustainability*

The applicant has confirmed that they will enter into a S106 legal agreement with the council to instigate measures to promote sustainable travel at a cost of £500 per dwelling (£49,500).

Taking the above into account, and subject to the applicant entering into a S106 agreement for the sustainability contribution, there are no reasons to refuse planning permission from a highways perspective. 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.

### Landscapes

CS19 'Green Infrastructure' states: *"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."*

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 Development Guidelines state:

*"5. 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. Existing roadside vegetation should be retained and enhanced, unless agreed in writing with the Local Planning Authority.*

*6. Consideration will need to be given to creating a strong structural landscape framework within which this development will sit. The appropriate long term management and maintenance of any existing or newly created*

*Green Infrastructure assets within the development will need to be explored and funded.”*

The site was visited and assessed as part of the local plan evidence base and assessed of being of Medium landscape sensitivity and Medium landscape capacity to accommodate development.

A Landscape and Visual appraisal (LVA) has been prepared and submitted with the application. The appraisal uses an appropriate methodology, which is in accordance with landscape industry guidelines (GLVIA 3rd Edition). We were not consulted on the viewpoint selection prior to field survey works being carried out. However, the viewpoint selection has been informed by a ZTV/ZVI study which demonstrates the extent of potential visibility of the site and development.

The LVA identifies that the proposal will have a neutral effect on published national and local landscape character areas, and a negligible beneficial effect on the site character in the long term.

The LVA identifies that the visual effects of the proposed development would be predominantly neutral to negligible adverse from mid-range residential and recreational receptors. Adjacent roads and residential properties to the south and east (closer to the site) will experience moderate adverse visual effects but these will reduce to neutral to minor adverse in the long term.

These landscape and visual effects are not considered to be significant, and rest upon the delivery of a strong landscape framework being delivered as part of the development, which is also a policy requirement.

A revised Landscape Masterplan has been prepared to address previous concerns raised by the Council’s Landscape Design Team over the quality of some boundary treatments. The boundary treatment plan has been superseded by the Landscape Masterplan which now shows the confirmed boundary treatments including those to Parkhill Farm. Timber knee rails have now been replaced with metal knee rails across site. Several plots previously highlighted have had their boundary treatments either upgraded to walls or have hedging/ planting in front of them to soften their appearance.

Therefore it is considered that as the requested amendments to the Boundary Treatments have now been made and are incorporated within the Landscape Masterplan, these are considered appropriate to the character of the site and overcome previously raised concerns by the Council’s Landscape Team. Therefore, from a landscape perspective the development is considered to fully comply with the requirements of the policies referred to above.

### Trees

The NPPF and adopted Local Plan Policy CS21 ‘Landscapes’ calls for developments to contribute to and enhance the natural environment specifically bio-diversity and green infrastructure.

The information provided indicates that a total of 6 trees are to be removed from the site, this includes 2 trees adjacent to Park Hill to allow for the access road to be created, these two trees fall outside of the application site boundary and are within Council ownership, along with the remaining trees that run along the back of Park Hill. 4 further trees along the northern boundary of Park Hill Farm, which are in the applicant's control and are either dead or have die back.

The Council's Tree Service have indicated that whilst the trees to be removed for the access would result in some amenity loss, they need to be removed to facilitate the development and their loss is more than compensated for with the proposed landscaping scheme, which includes significant new planting.

It is of note that the Tree Service have some concerns regarding the potential impact that the construction of the footpath may have on the root protection areas of the trees which sit adjacent to Park Hill and which are indicated to remain, but whether or not this will be an issue and further trees would have to be removed is not known at this stage and would not be known until the construction phase commences.

The Tree Service have stated that the trees along Park Hill form a significant level of visual amenity to the front of the site and are still relatively young so have the potential to provide this for many decades to come. The trees have an average CAVAT valuation of £4400 each, so approx. £48000 for the remaining 11 trees (T2 & 3 already agreed as part of the wider landscaping plans).

If consent is granted then exploratory works are carried out with a joint site visit between the developer's arboriculturist and an RMBC Tree Officer to assess the level of damage to the trees.

If all or some are required to be removed then replacements will be based on the CAVAT value of the lost tree(s).

Chances are some of the trees can be retained, so £48000 would just be the maximum price and many of the planting and maintenance costs could be absorbed in to their wider landscaping works.

Therefore a commuted sum of £4,400 per tree up to a maximum of £48,000 in the event that any of the trees along Park Hill are lost and need to be replaced during the construction of the footpath is to be sought and agreed via the s106 legal agreement.

In addition, the formation of this footpath would put pressure on the local authority to manage the trees in relation to the new thoroughfare requiring frequent surveying and additional pruning more than expected given its current use, to ensure branches are kept at a suitable height above the footpath.

The Tree Service have indicated that it is expected that managing the line of street trees on the southern aspect of the site will cost £34,100 over the next 20 years to allow all trees to have a crown reduction to clear the footway and for this to be maintained, this equates to £1,705 per year for the next 20 years.

The Tree Service would look to secure this through a commuted sum to allow for the implementation of a proper tree management schedule.

The developer has agreed to pay the sum outlined above and this will be secured via the s106 legal agreement.

It is considered that whilst some trees and hedgerows are to be removed the replacement planting scheme indicated on the landscape masterplan will result in a positive enhancement to the site in respect of increased tree coverage. Accordingly, the proposal subject to conditions requiring the scheme to be developed in accordance with the Tree Survey, Arboricultural Method Statement and Arboricultural Impact Assessment submitted in support of the application it would comply with the requirements of the NPPF, the Site Development Guidelines and policy CS21 'Landscapes'.

### Ecology

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

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

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

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

The Site Development Guidelines state:

*"8. A Phase 1 Habitat survey will be required. Hedgerows and trees should be retained, unless agreed in writing with the Local Planning Authority. Buildings may need to be checked for bat roosts."*

The Preliminary Ecological Evaluation Report submitted in support of this application has been reviewed by the Council's Ecologist. The report identified that the site supports the following habitats: arable land (fallow), amenity grassland, developed land (sealed surfaces), line of trees and hedgerows on the boundary of the site.

The report notes that in respect of the arable land that this is: *"A recently developed habitat that continues to be managed periodically. This habitat, whilst diverse, is unlikely to support any scarce or notable species."*

The report notes in respect of the amenity grassland that it is: *"A well maintained habitat with low species diversity unlikely to support any scarce or notable species."* It goes on to say that under the DEFRA Metric Condition Assessment it would rate as "Poor" and fails to meet the majority of the criteria.

The developed land (sealed surface) sits outside of the planning application boundary and is driveway / access track with negligible ecological value.

The report notes that the line of trees adjacent to Park Hill are: *"A simple habitat of low species diversity that is unlikely to support any rare or notable species."* It further notes that under the DEFRA Metric Condition Assessment it would rate as "Good".

In respect of the hedgerows it states: *"Some of the boundaries of the Site are lined with hedgerow, most native and intact with higher species diversity in evident bordering the farm. These areas offer higher value habitat that should be retained if possible."*

In respect of a Faunal Appraisal the report notes that in respect of Amphibians that: *"Great crested newt populations are present in the wider area. Due to the lack of suitable breeding ponds and terrestrial habitat on-site, the probability of great crested newt being present on site is considered to be very low. The Site is unlikely to be of importance to any other amphibian populations."* Accordingly no further survey work is required.

In respect of Bats the report notes that: *"The interior of the Site is considered to be of very low value to bats. Boundary hedgerows will be used by a small number of common species of bat for commuting and foraging but are unlikely to be of significant value to local bat populations. Mature off-site trees offer some roost potential. Direct and indirect impacts (such as lighting) should be avoided in this area. Any works to these trees should be preceded by a detailed roost assessment and carried out under suitable method statement."* No further survey work is required.

With regard to birds some of the hedgerows around the site will support nesting birds and standard precautions in respect of carrying out works to the hedgerows if needed outside of the bird nesting season will be observed. There is presumed to be hedgehogs on the site given the characteristics of

the site, but no evidence of badgers or reptiles have been recorded on the site.

The report summarises that there are no significant ecological constraints identified on the site and recommends that efforts should be made to retain and protect areas of higher value habitat both on and immediately off-site. Here, this would be hedgerows and tree-lines. This is the case as hedgerows are being retained and enhanced in places while only 6 trees are to be felled, two for the access road, two which have Ash dieback and two which are dead.

In respect of biodiversity enhancement the report recommends that areas of greenspace and gardens on a site devoid of valuable vegetation will be beneficial for wildlife, bat and bird boxes within properties and openings in the bottom of garden fences to allow hedgehogs to access through the site.

The Council's Ecologist have confirmed that the contents of the report is acceptable and the proposed development of the site would have little impact on ecology and have recommended that the recommendations set out in the document are conditioned.

It is therefore considered that subject to condition in respect of implementing the recommendations set out in the Preliminary Ecological Evaluation Report the scheme would comply with the requirements set out in the Local Plan policies referred to above.

It is noted that several members of the public have raised concerns regarding the impact of the development on a Deer that has been seen on the site. These comments are noted but Deer are not protected and do not have Biodiversity Action Plan or Priority status. Of the six species in the UK, only red deer and roe deer are native; non-native species do not receive special status because they were introduced or escaped and are additional to our fauna. Red deer are native to the Scottish Highlands whilst roe deer are common and widespread throughout Britain. Roe deer therefore do not have any priority status like bats, birds, great crested newts and others and as such the siting of them on this site would not preclude the sites development or the determination of this application.

### Green Spaces

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."*

In respect of policy SP37 the current proposal of 99 dwellings would require 5,445 sq. metres of public open space on site, which would not include the SUDs area. The proposal would provide in excess of this figure. Furthermore, all units would be within 280m of a green space and the design in respect of the public open space areas appear to be acceptable.

In addition, policy SP37 also requires all new homes to be within 400m of an equipped play area. A small proportion of the development would fall within 400m of existing play equipment at West Park Drive, Swallownest known as West Park Drive Playpark which provides facilities for part of the site but does not allow the whole development to meet policy SP37. An equipped play area suitable for younger children (up to 8 years) is to be provided on site to ensure compliance with SP37 and to compliment the slightly older children's equipment within the recreation ground to the north. This area will be provided in the centre of the site and whilst details of the precise equipment to be installed has not been disclosed this can be secured via a suitably worded condition.

An off-site contribution to enable improvements to West Park Drive Playpark has been calculated at £300 per dwelling that falls within 400m of this play park. This equates to 26 dwellings. As such a contribution of £7,800 towards improvements at this play area via a s106 contribution, in addition to the on-site LAP area is proposed.

The developer has agreed to the contribution and as such subject to a condition requiring details of the play equipment within the LAP to be submitted and approved before the LAP is brought into use and the signing of a s106 legal, the proposal would satisfy policy SP37 'New and Improvements to Existing Green Space'.

As part of the s106 a Management Company will be set up to manage and maintain the on-site greenspaces.

### 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. Furthermore, policy SP47 'Understanding and Managing Flood Risk and Drainage' states the Council will expect proposals to demonstrate an understanding of the flood route of



surface water flows through the proposed development; control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS) and consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding problems. These policies are supported by paragraphs 163 and 165 of the NPPF.

The use of Sustainable Drainage Systems on infiltration techniques are considered impractical for the site due to underlying geology and results of the percolation testing. Therefore, surface water drainage system to a watercourse or sewer will be implemented instead.

The nearest watercourse is located approximately 135m in a northerly direction, from the site boundary at its nearest location. The watercourse is located over third party land and in conjunction with the topography of the site, any such connection is considered unviable. Therefore, it will be necessary to provide a positive drainage system to sewer. This will be in the form of two large underground storage tanks in the in the north east corner of the site and adjacent to the proposed access road and the adjacent access track in the south-west corner of the site.

The amended drainage proposal submitted with the application on the request of the Council's Drainage Engineer who initial raised concerns regarding the lack of information supplied with the application, is now supported. The submitted drainage proposals demonstrate that the site can be properly drained and does not increase downstream flood risk. As such the Council's Drainage Engineer has withdrawn their initial objection and have indicated that subject to conditions the scheme would be acceptable in respect of drainage and flood risk and therefore would comply with the policies and guidance set out above.

### 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 the new proposed vehicular accesses off Chapel Way and Lambrell Avenue that will then be used once the development has been completed. No other accesses will be created.

*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 in Park Hill Farm it is noted that spacing distances between elevations of the proposed dwellings and both the rear boundaries and rear elevations of existing surrounding properties satisfies 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 boundaries. Accordingly, the proposed dwellings would not give rise to any overlooking or privacy issues.

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.

It is also of note that the properties to the south of the site, the east of the access road and to the eastern boundary of the which abut the adjacent land which is outside of the application site boundary but with the wider allocation all have rear gardens 10m in length. Therefore, should that adjacent land come forward for development in the future there is sufficient distance to new private rear gardens and rear elevations.

In respect of the adjacent uses (football club to the north and car repair garage to the south) and the impact on the proposed future residents of the development, a Noise Impact Assessment was submitted and has been assessed by the Council's Environmental Health Service.

The Noise Impact Assessment discovered that local road traffic noise is the dominant noise source at the site and noise from nearby commercial activities (a vehicle servicing and repair business and car wash) would not have an adverse noise impact. The Assessment indicated that measures including a scheme of sound insulation and the provision of acoustic garden barriers should be included in the design of the site and they have been established.

In respect of the neighbouring football pitch and Working Mens Club where it is understood functions could occur, it is noted that whilst the noise survey was carried out during the Covid pandemic, reasonable assumptions have been made within the assessment in regard to noise breakout during functions to identify noise control design measures associated with this source with regard to sound insulation requirements for proposed dwellings near to the WMC. To mitigate the potential noise from the Working Men's Club a 2m high closed boarded acoustic timber fence is to be installed along the northern boundary of the site as well as the previously stated noise mitigation measures in terms of internal sound insulation.

The Council's Environmental Health Service have indicated that all measures recommended in the NIA should be implemented in the development of the site and these will be imposed as a condition.

Noise associated with the proposed development would, therefore, comply with the requirements of the NPPF to avoid "significant adverse impact" and, with the proposed mitigation measures, an acceptable internal and external noise climate can be provided for future residents.

Having regard to the above it is considered that 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.

In addition to the above a ball trajectory report was submitted by the developer to assess the potential risk of footballs surpassing the boundaries of the adjacent football pitch. The assessment reviewed the site to ascertain the risk of balls landing in areas past the boundaries, and to advise on the type and level of mitigation required to provide a suitable level of protection.

The maximum height of the ball on this boundary was determined to be 3.7m. However, this boundary is subject to a topographical change of 3m, therefore most of the mitigation is achieved by this topographical change alone. It was recommended that a ball stop mitigation of 1.5m high should be erected along the boundary with the football pitch.

### Air Quality

Policy CS30 'Low Carbon & Renewable Energy Generation' states: *"Development must seek to reduce carbon dioxide emissions thorough the inclusion of mitigation measures..."* In addition regard will be had to the guidance contained within Council's adopted SPD 'Air Quality and Emissions'.

NPPF states at paragraph 110 that amongst other things 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 proposed development for 99 dwellings as set out in the adopted Rotherham SPD 'Air Quality and Emissions', 1 EV charging point per dwelling with in-curtilage parking will be required and secured via condition.

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, the adopted SPD 'Air Quality and Emissions' and paragraph 110 of the NPPF.

### Affordable Housing

In regard to affordable housing provision, Policy CS7 'Housing Mix and Affordability' states: *"...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 policy position is therefore 25% of the total number of units on the site should be made available for affordable housing, which in this instance would be 25. The application only proposes to provide 17 units of affordable housing on site, which consists of:

- 8 x two bedroom bungalows for rented tenures – age restricted for older people or those with an assessed medical need.
- 2 x "Shoemaker" type 3 bedroom houses for rented tenures
- 7 x "Shoemaker" type 3 bedroom houses for Discount market Sale tenure to be sold to qualifying people at 20% below the open market value.

The 8 bungalows are being provided on a "two for one" basis in place of houses. This substitution has been agreed with the Council's Affordable Housing Officer but will be for members approval.

Therefore, having regard to the above and subject to the s106 agreement the proposal will comply with requirements of policy CS7.

### Education

The Education Service notes an Education contribution would be requested for Secondary Education provision at Aston Academy.

The commuted sum which would be secured via a s106 legal agreement based on the Council's formulae would equate to £233,182

### 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..."*

Both Swinton Pottery Coal and Newhill seams are not considered that are shown on geological mapping to underlie the site, the nearest being circa 10m from the surface. These are deemed to be worthless given the presence of thick dirt bands and no further mining investigation is required. As such the proposal would fall under exemption 'b' of Policy CS26 Part 1.

### Land Contamination and Soil Resources

Historically the land has been used for agricultural purposes with no obvious development having taken place. However, it was considered there was some potential for the site to be impacted from contamination associated with past farming practices (the use of organic substances such as pesticides, herbicides, and fungicides), the presence of naturally occurring metals within the soils and any potential nearby infilling of the land over time.

The site investigation works comprised the excavation of 15 trial pits and 5 trial pits for soakaway testing. 7no. samples of topsoil and 3 samples of made ground were collected from across the site to assess for site wide

contamination. The soil samples were submitted to an accredited laboratory for chemical testing.

No significant made ground was encountered across the site, with the exception of topsoil in the south west corner of the site (area of pond/sheep dip) which was found to contain a significant amount of anthropogenic material (brick, ceramics, slate, coal, metal and plastic). It is understood that this area of the site will be fenced off and no development will occur in this area.

Of the determinants tested, no contaminants were recorded within the topsoil or made ground across the site that were above governmental guideline values for a residential end use. On the basis of chemical testing undertaken, the concentration of contaminants within the soils do not pose a risk to human health or controlled waters.

Topsoil and made ground topsoil, typically 200mm thick is present across the site. Testing of this material has shown it is suitable to remain on site for re-use.

Most of the surrounding area beyond 50m, but within 250m, has been subject to opencast mining. Opencast backfill is a potential source of hazardous ground gas. Gas monitoring was therefore undertaken at 10 boreholes installed across the site on 9 occasions over a seven month time-period.

The monitoring data suggests gas from mine workings is affecting the site and most likely from abandoned workings below the site at depth. No methane gas has been detected, however elevated carbon dioxide concentrations have been detected at positive flow rates.

It has been considered likely that a geological fault is acting as a vertical migration pathway for deep mines gas to move towards the surface. The entire site has therefore been classed as an Amber 2 Gas Situation and gas protection measures will be required for each plot constructed on site.

Given the shallow depths of made ground topsoil/topsoil (typically 200mm) encountered on site, it has been recommended that a provision of 300mm thickness of topsoil is placed in all gardens and areas of soft landscaping.

Elevated concentrations of sulphates have been detected within the soils across the site which have the potential to attack sub-surface concrete. All sub-surface concrete will need to be Design Sulphate Class DS1 with a corresponding ACEC classification of AC-Z2.

In conclusion it is considered there is very low risk to the future users of the site from potential site contamination and the site is considered suitable for its proposed end use. However, given the current topography of the land (much of the site is sloping), it is anticipated that earthworks will be required in order to achieve a suitable development platform. A detailed earthworks

strategy/specification will need to be provided confirming the exact works to be undertaken.

Further to the above, given the greenfield status of this site a Soil Strategy will be required in accordance with policy SP36 'Soil Strategy'. SP36 states: *"Development will be required to demonstrate the sustainable use of soils during construction and operation stages, where appropriate and to be determined in discussion with the Local Planning Authority. Applicants should demonstrate, in their proposals, that there are feasible and appropriate methods, locations and receptors for the temporary storage and reuse of high-quality soils. 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."*

The applicant has confirmed that they will be reusing topsoil on site as testing has confirmed that chemically it is suitable for re-use (please refer to the Site Investigation section 9.4 and 10.1). This will be stored safely on site in accordance with a construction management plan that will be a pre-commencement condition. There is ample room on site for this to be stored whilst development is ongoing, in a location sited away from the most sensitive receptors (suggest the adjacent properties of Park Hill farm and the parts of the site closest to the road and footpath).

The site is allocated for residential development and the application proposes development on a large part of the site. The scheme layout has been dictated by a number of constraints, not least landscaping, local character, engineering, drainage and noise. There is not known to be any differential quality within topsoil across the site, albeit part of the topsoil contained made ground in the southwest corner of the site. This is addressed at paragraph 10.1.3 of the SI. Clean topsoil will be carefully managed on site so as not to be mixed with Made Ground topsoil to ensure re-use within the development.

### Other Considerations

The four South Yorkshire Authorities have committed to ensuring that relevant developments are provided with Gigabit-capable full fibre broadband. A condition is recommended that would address this matter.

In respect of waste management requirements, it is considered that the information provided in the planning statement and design and access statement are not acceptable as regards the waste management requirements which are set out in policy WCS7 'Managing Waste In All Developments'. As such a Waste Management Plan complying with WCS7 will need to be submitted and will be secured by way of condition to any permitted scheme.

In respect of impact of the development on health facilities, the NHS Clinical Commission Group (CCG) have been consulted on the application and have advised that consideration needs to be given to the impact on general practices and their estate. Accordingly, the CCG have recognised that there

are areas of the borough that are experiencing capacity concerns and as such they are working internally to establish whether funds generated through the planning process, from new residential developments in these areas, could assist in the provision of future primary care.

Notwithstanding this, the Councils Infrastructure Funding Statement, published in December 2020 includes high level categories of infrastructure that may be funded by CIL. It includes "Healthcare" as one such category. Accordingly, funds generated from CIL could be allocated towards funding new/expanded healthcare facilities within the area.

With regard to the objections raised by local residents which relate to impact on listed buildings, security of existing properties, lack of play provision on site, the location of the play provision, highway concerns and impact on ecology and wildlife, the report has assessed these material concerns. However, it is considered that for the reasons set out in this report the issues raised have been considered and addressed and the objections would not tip the planning balance towards a refusal in this instance.

The issues raised in respect of impact on health centre and schools are noted, in respect of schools as set out above, the Council's Education department are seeking a contribution in line with policy which will be secured by a s106 agreement which the applicant has agreed to. In respect of impact on health centres this is addressed above, and at the current time money for improvements etc. to health centres can be bid for via the CIL payment.

The issue raised in respect of impact on house prices, is not a material planning consideration and as such no weight can be given to this issue in the determination of this or any application. This is due to the fact that the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. The basic question when determining an application is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

## **Conclusion**

It is concluded that notwithstanding the objections received, the application represents an acceptable form of development on land which has been allocated by an independent Planning Inspector appointed by the Secretary of State for residential purposes through the Local Plan process. Furthermore, the proposal has been sympathetically designed taking into account the constraints of the site and the requirements of the Site Development Guidelines listed in the Local Plan. Therefore, 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 or environmental issues, while providing affordable housing.



The application would be in compliance with the requirements of national and local planning policies and guidance and is therefore recommended for approval subject to conditions and the signing of a s106 agreement for the provision of affordable housing on site, the setting up of a management company to manage and maintain on-site open space provision, as well as financial contributions towards promotion of sustainable travel measures; education provision, improvements to a neighbouring play area and future maintenance of the Council's tree stock.

### **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, 25 and 28** 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, 25 and 28** 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 and as shown on the approved plans (as set out below):

### ***General***

2015.20 rev A – Location Plan, received 16 April 2021

2015.01 rev X – Site Layout Plan, received 14 May 2021

2015.04 rev B – Streetscenes, received 16 April 2021

2015.05 rev A – Cross Sections, received 21 April 2021

2015.06 rev C – Boundary Treatment Plan, received 17 June 2021

### *House Types*

2015.BAX.01, received 16 April 2021

2015.BOW.01, received 16 April 2021

2015.BUN.01, received 16 April 2021

2015.CUT.01, received 16 April 2021

2015.FAR.01, received 16 April 2021

2015.LOR.01, received 16 April 2021

2015.SHO.01, received 16 April 2021

2015.TAI.01, received 16 April 2021

2015.THE.01, received 16 April 2021

2015.THE.02, received 16 April 2021

### *Garages*

2015.G.01, received 16 April 2021

#### Reason

To define the permission and for the avoidance of doubt.

### Materials

#### 03

Before work commences above ground level on the construction of the dwellings hereby approved, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to the Local Planning Authority or samples of the materials shall be left on site, and 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.

#### 04

The approved boundary treatments detailed on drawing numbers 2015.06 rev C shall be completed for each dwelling prior to first occupation and on the boundary to Park Hill Farm and the adjacent Football Club prior to the first dwelling being occupied, unless otherwise agreed in writing with the Local Planning Authority.

#### Reason

In the interests of the visual amenity of the area and security of the site and land adjacent, in accordance with the Local Plan.

### Amenity

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;
- All loaded lorries leaving the site shall be securely and effectively sheeted.
- Details of proposed hours of construction on/deliveries to the site; and such further matters as the Local Planning Authority may consider necessary.
- Details of any generators on site.
- Details of site manager in relation to potential complaints.
- The location of any soils and / or other materials required throughout the construction phase.

Reason

In the interests of highway safety and residential amenity.

06

Prior to each dwelling being occupied the noise mitigation measures set out in section 5.0 of the submitted and approved Noise Impact Assessment dated 3<sup>rd</sup> March 2021 by Sharps Redmore shall be implemented unless otherwise agreed in writing with the Local Planning Authority. The approved details shall thereafter be retained and maintained.

Reason

In the interests of residential amenity.

### Air Quality

07

Prior to the occupation of any dwelling, details of the infrastructure to allow every future homeowner on the site to fit their own specific Electric Vehicle Charging connection plate, shall be submitted to and approved by the Local Planning Authority. Each dwelling shall not be occupied until the approved infrastructure has been provided, and they shall thereafter be retained.

Reason

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

## Drainage

08

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

Reason

In the interest of satisfactory and sustainable drainage.

09

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal.

10

Above ground development or drainage works 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. During construction, if the approved scheme has not been implemented, temporary arrangements shall be put in place to limit surface water runoff to the agreed discharge rate. The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha) or that stated by Yorkshire Water if lower than the calculated greenfield rate;
- 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

Construction of roads or dwellings shall not begin until a flood route drawing has been submitted to and approved in writing by the Local Planning Authority. The drawing shall show 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. 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

12

Prior to any above ground development taking place, details of a scheme of advance planting to provide mitigation and structure planting to the site's western boundary with Park Hill Farm shall be submitted to and approved in writing by the Local Planning Authority.

The said planting shall thereafter be implemented in accordance with the approved details:

- i. Prior to the first occupation of the part or phase of development to which the screen relates: or
- ii. In accordance with an implementation timetable agreed in writing with the Local Planning Authority.

This planting shall be maintained for the lifetime of the development following contractual practical completion of the part or phase of development to which it relates, and any failures replaced for a period of 5 years.

## Reason

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

13

Prior to any above ground development taking place, a detailed landscape scheme for Plot landscaping shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be based on the approved Landscape masterplan 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.
- 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.

#### 14

Prior to first occupation, a detailed hard and soft landscape scheme for the Public Open Space/ Play Area within the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall be prepared to a minimum scale of 1:200. The scheme shall clearly identify the following as appropriate:

#### Hard Landscape elements:

- Existing and proposed finished levels or contours
- Means of enclosure
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting)
- Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, inspection chambers, etc)
- Highway visibility requirements
- Retained existing site features and proposals for restoration, where relevant.

Soft landscape details shall include:

- Planting plans
- Written specifications (including ground preparation, cultivation and other operations associated with plant and grass establishment)  
Schedules of plants, noting species, planting sizes and proposed numbers /  
densities or planting distances
- An implementation programme.
- 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 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

A Landscape management plan, including long term design objectives, **management responsibilities and maintenance schedules for all landscape and public open space areas shall be submitted to and approved by the Local Planning Authority prior to the** completion or first occupation of the part or phase of development to which it relates, whichever is the sooner. The management shall thereafter be carried out in accordance with the agreed management scheme for the lifetime of the development.

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 the part or phase 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

Prior to above ground development taking place a Biodiversity Management Plan, as set out in the Conclusions and Recommendations section of the submitted Preliminary Ecological Appraisal Report prepared by Brooks Ecological dated 20 October 2020, shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the type and location of bat and bird boxes and location of openings in fences to allow hedgehogs to move through the site. The approved details shall be implemented in accordance with 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 not to disturb any bats or birds and to make adequate provision for species protected by the Wildlife & Countryside Act 1981.

### Green Spaces

18

Prior to the construction of the Local Area Play (LAP) area indicated on drawing number 2015.01 rev X, details of the equipment to be provided shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed in accordance with a timeframe to be agreed with the Local Planning Authority.

#### Reason

To ensure the scheme provides an appropriate level of play provision.

### Highways

19

Before work commences on the access or the new internal road layout, details of the proposed works shown in draft form on Drg No 2015.01 rev X to Park Hill which include the provision of a new adoptable footway on the site frontage, street lighting improvements, amendments to the lining, provision of a pedestrian refuge and appropriate signage shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the development.

#### Reason

In the interests of highway safety and sustainability.

20

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.

21

Before work commences on the access or the new internal road layout, details of road sections, construction and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

#### Reason

No details having been submitted they are reserved for approval.

### Waste Management Plan

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.

Communication

23

Details of measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason**

In accordance with Local Plan Policy SP61 'Telecommunications' and Chapter 10 of the NPPF.

Archaeology

24

*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.

#### Land Contamination

25

Prior to development works commencing a detailed earthworks strategy/specification will need to be submitted for approval. All works will need to be undertaken in accordance with the earthwork strategy to ensure that any geotechnical and contamination risks will be managed appropriately.

#### 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.

26

In the event that during development works unexpected significant contamination is encountered, 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.

#### 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

Due to elevated sulphate concentrations being detected, buried concrete for the site should be designed to a design sulphate classification of DS-1 with a corresponding ACEC class of AC-Z2, details of which shall be submitted to and approved in writing by the Local Planning Authority, prior to any buried concrete being installed.

#### 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

The site has been identified as a gas characteristic amber situation 2 and gas protection measures are required for each plot. The following information will therefore be required to be submitted to the Local Authority for review and comment:

- a) Prior to construction a Detailed Design Report for Gas Mitigation Measures will be provided and shall be in accordance with Section 6.2 Workmanship and Certification, subsections 6.2.2 to 6.2.4 on page 12 of the report entitled 'Gas Risk Assessment – Land at Park Hill, Swallownest' – prepared by Lithos Consulting Ltd, dated May 2021, Reference 370412. The gas protection measures will be installed by appropriately trained and qualified personnel).
- b) Post construction, a Verification Report is to be provided for each plot to confirm that the measures constructed/installed meet the required standards. Inspection reports for each plot will be forwarded to the Local Authority for review and comment and shall be undertaken by a CL:AIRE approved Specialist In Gas Protection Verification.

#### 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

If subsoil/topsoil is required to be imported to site for remedial works/earthworks/garden 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. The results of which will need to be presented in the format of 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.

30

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.

#### Trees

31

No operations (including initial site clearance) shall commence on site in connection with development hereby approved until the tree protection measures detailed on drawing number SWN 04A have been installed on site and approved in writing by the Local Planning Authority.

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.

#### Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity.

32

All tree works shall be carried out in accordance with B.S.3998: 2010. The schedule of all tree works shall not exceed that set out in the submitted Tree Works Schedule (ref: SWN 05A) unless otherwise approved in writing by the Local Planning Authority. No tree work shall commence until the applicant or his contractor has given at least seven days notice of the intended starting date to the Local Planning Authority. The authorised works should be completed within 2 years of the decision notice otherwise a new application for consent to carry out any tree work will be required.

#### Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area.

#### **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

It is recommended that the development is designed and built to Secured by Design standards ([www.securedbydesign.com](http://www.securedbydesign.com)).

04

Access for appliances should be in accordance with Approved Document B, Volume 1, part B5, Section 13.

05

Where necessary water supplies should be in accordance with Approved Document B, Volume 1 part, B5 section 14.

06

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.

07

In respect of condition 15 – A Management Plan 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.

08

Any works carried out in the future once the dwellings are occupied in respect of permitted development, consideration will need to be given in respect of the need for additional protection of extensions or activities that could result in blockage of vent bricks from works associated with raising garden levels, creation of patios etc.

09

Consideration should be given to including some passive venting stacks within street furniture (street lamps, bollards etc) to provide an unrestricted pathway for ground gas to vent.

10

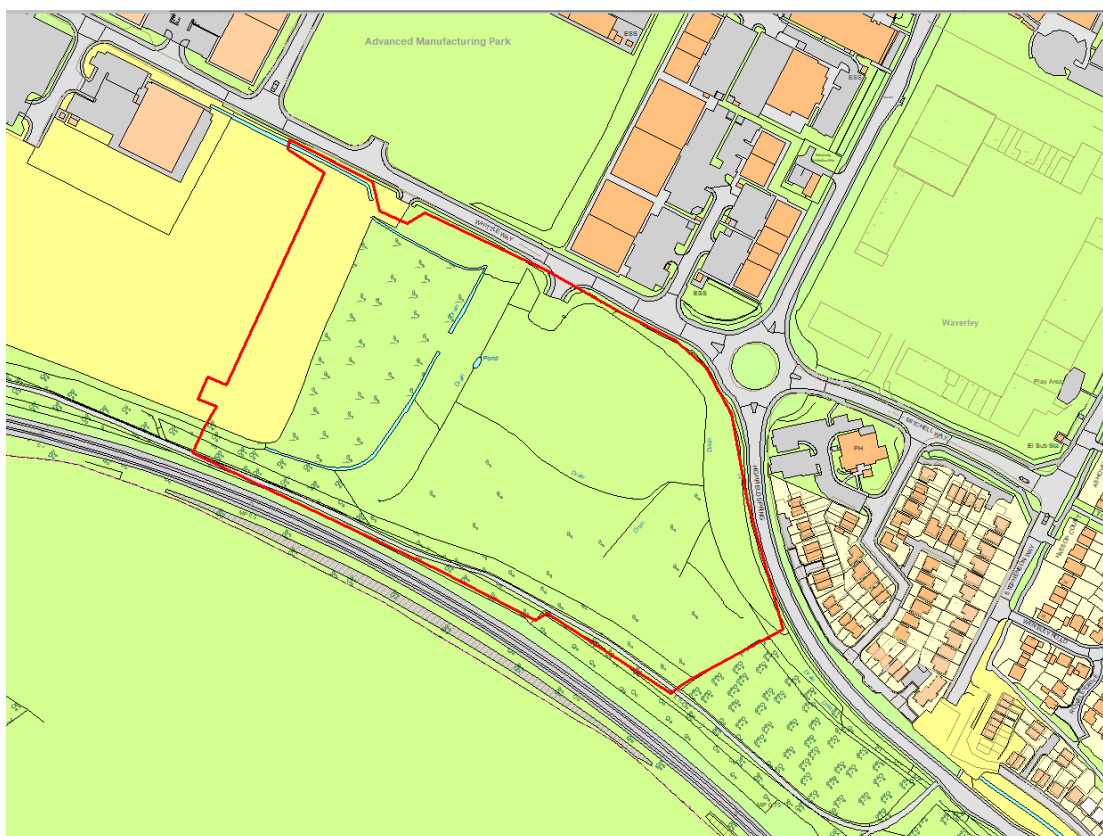
A detail design and stage 2 Road Safety Audit should be submitted to the Council's Highways department and a S278 legal agreement entered into prior to the commencement on site.

#### 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.

<b>Application Number</b>	<b>RB2021/0199</b> <a href="https://rotherham.planportal.co.uk/?id=RB2021/0199">https://rotherham.planportal.co.uk/?id=RB2021/0199</a>
<b>Proposal and Location</b>	Outline application for the construction of up to 22,482.6 sqm of flexible employment floorspace (use class B2, B8 & E (offices & light industry)) with all matters reserved except for access at Advanced Manufacturing Park land south of Whittle Way Catcliffe
<b>Recommendation</b>	Grant subject to conditions

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



### Site Description & Location

The application site extends to some 7.03 ha and forms part of the wider Waverley development and more specifically the Advanced Manufacturing Park (AMP). The site currently comprises of vacant land. It is bounded to the north by the existing AMP and to the west is vacant land with an extant outline planning permission for up to 40,000sq.m of Class B1, B2 and B8 floorspace with all matters reserved except for details of structure landscaping along the Sheffield Parkway (A630) frontage at land adjacent Advanced Manufacturing Park (reference RB2019/0574). The Site is bound to the south by a public footpath, landscaping and railway line. To the east lies Highfield Spring and residential properties at Waverley New Community beyond the road.



Access into the Site will be via the existing access points from Whittle Way on the Site's northern boundary. The western-most access point will require widening and up-grading as part of this planning application. It is proposed that access will be made available from this site to the adjacent development plot to the west which has outline planning permission under planning permission RB2019/0574.

## **Background**

The following applications are relevant to the application site –

RB2018/0361 - Outline planning application for up to 40,000 sqm of Class B1, B2 and B8 floor space with all matters reserved except for details of structure landscaping along the Sheffield Parkway (A630) frontage – granted 22/06/2018

RB2012/0896 - Erection of 18,745m<sup>2</sup> of industrial floorspace including ancillary offices and external support space, formation of new access to development plot & associated landscaping & fencing – granted 04/09/2012

RB2012/0376 - Details of the erection of the Advanced Blades Casting Facility (reserved by outline RB2011/1136) – granted 22/05/2012

RB2011/1136 - Outline application for the erection of 44,700m<sup>2</sup> of industrial floorspace including ancillary offices, associated groundworks and details of access including formation of new accesses to development plots – granted 23/12/2011

RB2003/0046 - Outline application for development of advanced manufacturing park including business uses in classes B1 & B2 with related infrastructure and landscaping – granted 06/04/2005. There have also been numerous applications to vary conditions on this permission.

## EIA Screening Opinion

A screening opinion was carried out to determine whether an Environmental Impact Assessment should accompany the application. The proposed development falls within the description contained in paragraphs 10 (b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and meets the criteria set out in column 2 of the table, i.e. that the area of the development exceeds 5 hectares. However, taking account of the criteria set out in Schedule 3, the opinion has been reached that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and therefore an Environmental Impact Assessment was not required to accompany the application.

## **Proposal**

The proposal seeks outline permission with all matters reserved except for access and proposes flexible high quality business, manufacturing and office floorspace (Class B2, B8, E (office and industrial)). An upper floor limit of 22,482.6sqm is proposed (approximately 10% of which is proposed to be ancillary office use).

Whilst matters of layout, scale, appearance and landscaping are reserved for future submissions, an indicative masterplan is provided to show how the proposed floorspace could be potentially accommodated on the Site and how the proposed development is able to link up with the existing infrastructure; including the current network of roads surrounding the application site.

Many of these plans originally submitted with this application have subsequently been revised after taking into consideration neighbour comments and consultation responses.

Access to the site will be via the existing access points from Whittle Way on the Site's northern boundary, and detailed access plans are included with this application submission to show the works required to the western access and to demonstrate how the site would be accessed using both the upgraded access point and the existing established access point off Whittle Way.

The application has been supported by the following documents –

Planning Statement assesses the proposals insofar as they relate to relevant local policy and national guidance and concludes that the application accords with the Framework in that proposals represent sustainable development and provide a commitment to securing economic growth to create jobs and prosperity.

Design and Access Statement confirms that the site is easily accessible by different modes of transport and provides easy access within the wider site curtilage. The application provides indicative details of associated access, scale, parking, and Indicative landscaping. The application has been prepared to be consistent with both the existing and emerging development plan for Rotherham generally. The proposals are also in accordance with the National Planning Policy Framework as they represent sustainable development and afford a commitment to securing economic growth to create employment and prosperity

Flood Risk and Drainage Assessment confirms that the site is located within a wider area allocated as Flood Zone 1 on the Environment Agency's Flood Maps. There are no other significant flood risks that will adversely impact on the development proposals that are the subject of the application. The proposals will not have an adverse impact on flood risk to areas adjacent to the site or increase downstream flood risks.

Transport Assessment assesses the impact of the proposed development on the local highway network and confirms that detailed junction analysis has been undertaken which confirms that the two access roundabouts have significant reserve capacity to accommodate demand from development of the industrial site both today and in 2025.

Tree Survey this notes that the site has become overgrown, and the survey reveals 88 items of woody vegetation, comprised of 57 individual trees and 31 groups of trees- all of which are categorised as retention C. The significant tree cover within the site consists of dense young to semi mature trees close to the southern boundary. The tree cover becomes sparse further from the boundary, with little of arboricultural significance in the central areas or towards the northern and western boundaries.

From assessing the new development proposals, the removal of 48 trees and 15 groups will be required as they are situated in the footprint of the structure or their retention and protection throughout the development is not suitable. Although there are a high number of trees to be removed, their loss will only have a very limited negative arboricultural impact due to their particularly low value. The development of the site provides an excellent opportunity to undertake new tree planting throughout the site as part of a soft landscaping scheme.

Land Contamination Assessment confirms that there may be potentially complete pollutant linkages in respect of contamination and that there are limited risks associated with past underground and shallow coal mining. It therefore recommends that further intrusive exploratory investigation is undertaken to address the risks.

Biodiversity Survey and Report confirms there are a number of statutory and local wildlife sites within 2km of the boundary. No negative impact is expected on any of them as a result of the proposals. The report recommended that any vegetation clearance should be carefully carried out and be undertaken outside of bird breeding season and any impacts as a result of increased lighting should be mitigated by implementing a sensitive lighting regime. Additionally, where appropriate plots will include nesting/roosting facilities for birds/bats.

### **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 as for Industrial and Business purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

## Core Strategy

- CS3 Location of New Development
- CS9 Transforming Rotherham's Economy
- CS14 Accessible Places and Managing Demand for Travel
- CS19 Green Infrastructure
- CS21 Landscape
- CS25 Dealing with Flood Risk
- CS28 Sustainable Design
- SP1 Sites Allocated for Development
- SP16 Land Identified for Industrial and Business Uses
- SP26 Sustainable Transport for Development
- SP32 Green Infrastructure and Landscape
- SP33 Conserving and Enhancing the Natural Environment
- SP35 Protected and Priority Species
- SP36 Soil Resources
- SP47 Understanding and Managing Flood Risk and Drainage
- SP52 Pollution Control
- SP54 Contaminated and Unstable Land
- SP55 Design Principles
- SP56 Car Parking Layout
- SP57 Sustainable Construction

## Other Material Considerations

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

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

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

## Publicity

The original application was advertised in the press and individual neighbour notification letters were sent to 14 neighbouring properties. 19 objections were received from nearby residents as well as an objection from Waverley Community Council. When amended plans and additional information was

received the neighbours who were originally consulted and all those who had objected were re notified. No additional objections have been received.

The objections are summarised below –

- Increase traffic levels and safety issues
- Increase pollution levels and impact resident's health
- Increase noise levels – during construction and operation
- Too close to residential properties, especially unit 9, 10 & 11 causing a loss of daylight and sunlight and unacceptable outlook
- Buildings should be set back
- Commercial offices/units should not be located opposite houses
- Will trees and hedges be planted?
- Loss of privacy
- Destruction of woodland
- Wildlife will be affected – there are deer in the woods
- House prices will fall
- If they were built, residents wouldn't have bought houses
- Is there a need for the development?
- Residents were not made aware that such a commercial development may take place on the site, and wouldn't have bought houses if they knew
- There are no shops on Waverley so why build more commercial units

An objection has also been received from Waverley Community Council due to the loss of privacy for the houses opposite the site as a result of the positioning on Unit No. 10 so close to Highfield Spring. There is also a loss of the green corridor alongside the railway track and footpath.

### **Consultations**

RMBC - Transportation and Highways Design – No objections subject to recommended conditions.

RMBC - Landscape Design –The submitted detailed landscape plans are considered to be acceptable, and a condition should be required to secure mitigation and structural landscaping.

RMBC - Trees and Woodland Manager – raise no objections to the proposed development and consider that any loss of trees should be mitigated and compensated for.

RMBC – Ecologist.- have assessed the content of the submitted Biodiversity Mitigation Statement and concur with the conclusions and recommendations.

Accordingly it is recommended that the application is granted conditionally upon these recommendations being carried out.

RMBC – Public Rights of Way – welcome the proposed links from the site into the perimeter bridleway which is shown on the proposed development.

RMBC – Drainage – No objections subject to conditions to ensure that the development is drained properly

RMBC – Land Contamination – No objections subject to recommended conditions

RMBC Environmental Services – No objections subject to conditions to control any potential noise from future uses.

Highways England – Do not object to the application and request a condition relating to an amended Travel plan.

Environment Agency – No objections

Yorkshire Water – No objections

The Coal Authority – No objections subject to a condition requiring the further investigations into the risks posed by coal mining legacy and the provision of mitigation if necessary.

SYMAS - No objections subject to a condition requiring the further investigations into the risks posed by coal mining legacy and the provision of mitigation if necessary

## **Appraisal**

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

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

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

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

- The Principle of the Development

- Timescales for Implementation
- Transportation Issues
- Footpath Connections
- Drainage and Flood Issues
- Landscape and Ecology
- Trees
- Air Quality Considerations
- General Amenity Issues
- Geotechnical Issues

### The Principle of Development

The application seeks outline consent for up to 22,482.6 sqm of flexible B2, B8 & E (Office and Light Industry) employment floorspace. The supporting planning statement states that the development will provide high-quality business, manufacturing and ancillary office floorspace. Paragraph 2.3 further clarifies that it is proposed that the ancillary office floorspace will be 10% of the total floorspace, which equates to 2,248sqm.

The site is allocated for business and industrial use in the adopted Sites and Policies Document Plan, with the site being identified as a development site under Policy SP 1 Sites Allocated for Development. Policy CS 9 Transforming Rotherham's Economy supports proposals which protect viable employment sites and target priority sectors including Advanced Manufacturing and Materials. In particular the policy encourages the development of an Advanced Manufacturing cluster at Waverley by supporting proposals for complementary uses.

The proposed uses are in line with Policy SP 16 Land Identified for Industrial and Business Uses states that:

*Within areas allocated for industrial and business use on the Policies Map, development proposals falling within Use Classes B1b and B1c, B2 and B8 will be permitted. Offices falling within Use Class B1a will only be acceptable where they are ancillary to the main proposed use or the proposals satisfy the requirements of Core Strategy Policy CS12 'Managing Change in Rotherham's Retail and Service Centres' and other relevant planning policy.*

In this instance it is considered that the proposed limit of 10% of the floorspace to be used for office purposes is acceptable, recognising the role that such floorspace would have as part of supporting other employment uses, and recognising that office floorspace can itself support the ongoing development of the Advanced Manufacturing Park. In this regard it is noted that the NPPF removed the requirement for office proposals to satisfy the sequential test. As such there is no requirement for any further evidence to be submitted in this respect. However in this respect it is considered that any permission should restrict the uses within class E to E(g) given that sequential test evidence would be required to support other E class uses which are main town centre uses.

It is noted that under Part 3 Class V of the Town and Country Planning (General Permitted Development) Order, as amended an application can be submitted for a flexible permission which allows the unit to be changed to another use under the same permission without the need for a further application within 10 years from the date of the permission. The applicant could therefore use the unit for any of the uses outlined above within 10 years from the grant of planning permission, however following its continuous use for any single one of the uses for a period of 10 years or more, planning permission would be required for a change of use.

### Transportation Issues

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

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

Local Plan Policy SP26 'Sustainable Transport for Development' states 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 Council expects that other measures to increase and encourage sustainable travel and movement habits through travel plan incentives, such



as: bus service enhancements, bus priority schemes, improved or additional bus services, better information and subsidised ticketing, multi modal multi operator, cross boundary travel, are provided. Improvements to existing and new infrastructure, ensuring that any public transport stops are easily accessible by active means, and that opportunities to further enhance walking, cycling and appropriate measures to promote inclusive access, will be sought as appropriate.”

Paragraph 34 to the NPPF further notes that: “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”

The application includes consideration of the western access point and layout however the eastern (existing) access and internal layout is indicative at this stage. The western access and internal layout have been terminated to suit the future layout and possible limit of adoption, however in the permanent layout this area would not act as a turning head, but access to the plots either side. The application is also supported by a Transport Assessment (TA) and a Travel Plan (TP). It is noted that in relation to the likely trip generation rates used in the TA were previously established as part of the Waverley New Community application and have been subsequently used within the Advance Manufacturing Park (AMP). The analysis indicates that 2 way impacts in the AM peak at M1 J33 are forecast to be an additional 36 trips per hour. The corresponding impact in the PM peak is 18 trips per hour.

An assessment of each AMP access roundabout has been carried out for a 2020 base year and for 2025 with and without traffic associated with the development. It can be shown that current and future levels of traffic generated can be accommodated on the local highway network with mitigation measures already implemented. This includes the opening to traffic of the connection between Highfield Lane and Poplar Way in 2020. No road safety problems have been identified in the TA.

In relation to pedestrian accessibility, pedestrian links in the area are good and comprise a combination of footways alongside the carriageway and public rights of way. A dedicated crossing serving the local centre and bus stops in Highfield Spring will be provided as part of a future development of the local centre. Public transport accessibility of the site is relatively good with reasonably frequent services to all major destination in the area. A bus stop is located close to the development on Highfield Spring. The site benefits from an extensive mix of on-road/off road and shared use cycle infrastructure which extends over the border into Sheffield. It is therefore considered to be highly accessible to cyclists. Links to the existing cross border route should be provided.

The Travel Plan (TP) for the Waverley New Community development is in the process of implementation. The AMP extension Travel Plan proposes close connection with the New Community TP.

Highways England have been consulted and commented on the submitted application and have recommended that the proposed AM / PM peak hour trip generation at the SRN is secured through the development Travel Plan (TP). It is acknowledged that the TP targets and monitoring methodology are appropriate, however we will require the TP to confirm the details as to the method(s) of mitigation to be implemented if the agreed TP targets are not met via planning condition.

Whilst the assessment of the traffic impact of the development shows that it will have some effect on local traffic, the site is in a sustainable location. With proper attention to details of travel planning, the site can be developed with a minimum of impact on the local highway network and is acceptable in highway/transportation terms. Accordingly, the development is considered to be acceptable in transportation and highway terms and as such accords with the provisions of Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel, Emerging Local Plan Policy SP29 'Sustainable Transport for Development' and Paragraph 34 of the NPPF.

Objections have been received in relation to the increase traffic that will be created by the development, and the associated highway and pedestrian safety issues associated with this. As noted above the Transportation Officer considered that the proposal is acceptable in highway and road safety terms.

#### Footpath and Cycle Connections

As part of this submission, a plan has been provided to show the existing and proposed pedestrian and footpath/bridleway linkages. The plans show how the proposed linkages will connect into the existing network of paths.

The paths will be constructed and linked to the existing network of cycle and pedestrian and bridleway links. The proposal includes two footpath links connecting from Whittle Way to the footpath/bridleway to the south of the application site.

#### Drainage and Flood Issues

Core Strategy 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' indicates that "The Council will expect proposals to:

- a) Demonstrate an understanding of the flood route of surface water flows through the proposed development in an extreme event where the design flows for the drainage systems may be exceeded, and incorporate appropriate mitigation measures;
- b) Control surface water run- off as near to its source as possible through a sustainable drainage approach to surface water

management (SuDS). The Council will expect applicants to consider the use of natural flood storage / prevention solutions (such as tree planting) in appropriate locations, and the use of other flood mitigation measures such as raised finished floor levels and compensatory storage; and

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

Major developments of more than 10 dwellings, or more than 1,000 square metres of floorspace should comply with Defra Sustainable Drainage Systems Non-statutory Technical Standards for Sustainable Drainage Systems (March 2015) and the South Yorkshire Interim Local Standards for Sustainable Drainage Systems (May 2015), or any future documents which supersede them.”

The application is accompanied by a Flood Risk Assessment (FRA) which demonstrates that the site lies within Flood Zone 1 (i.e. land assessed as having less than a 1 in 1000 year annual probability of river flooding) on the Environment Agency’s flood risk map, and there are no other significant flood risks that will adversely impact on the development.

The Assessment further states that the site is accounted for within the approved WNC Surface Water Drainage Strategy. Therefore, attenuation is provided within Waverley Reservoir, which has controlled discharge into the River Rother of 7 l/s per hectare. Existing grass lined swales provide SuDS treatment within this strategy. Additionally, to help control extreme flood water on site it is proposed to provide two exceedance basins, which attenuate the 1 in 100 year + 20% climate change event. It is proposed that the site will connect into AMP’s wider foul drainage strategy. It is proposed to connect the site to the existing foul sewer along Whittle Way through one existing and one new manhole.

Having considered the content of the submitted FRA, the Council’s drainage engineer has assessed the submitted information and has stated that there no objections to the proposal however whilst two ponds are shown no exceedance flow routes are shown. Therefore, they have requested a condition is attached to any permission requiring the submission of flood route drawings.

Notwithstanding this it is considered that the site can be appropriately drained and subject to the submission of additional information at Reserved Matters stage, which will be secured via appropriately worded conditions, the proposed development is considered to accord with the provisions of Policy CS25 ‘Dealing with Flood Risk’ and emerging Policy SP50 ‘Understanding and Managing Flood Risk and Drainage’.

The exact layout of the development has not been finalised and as the proposed development will come forward on a phased basis, which will be occupier led, the exact drainage and flood risk details are not certain at this

stage. It is therefore recommended to impose conditions requiring the submission of information on a phased basis which will provide flexibility on when the detail is required.

### Landscape and Ecology

With regard to Landscape and Ecology matters, Policy CS19 'Green Infrastructure', states "Proposals will be supported which make an overall contribution to the Green Infrastructure network based upon the principles set out below:

- b) Avoiding damage to or loss of Green Infrastructure assets. Where loss is unavoidable and the benefits of the development outweigh the loss, appropriate mitigation and compensation measures, should be included as part of development proposals.

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

Furthermore, policy SP32 is designed to ensure that new development pays due regard to the protection, enhancement, creation and management of green infrastructure in the Borough, including the landscape. Such an approach accords with relevant policies and guidance in the Core Strategy and the NPPF

This application is outline with all other matters, including landscaping reserved for future consideration. In this regard the submission includes a masterplan which sets out the vision for future detailed landscape proposals.

The Councils Landscape Design Manager has noted that development of the site will involve the potential loss of some existing vegetation on site. Whilst the indicative masterplan indicates what is possible in terms of layout, as the application is outline with all matters reserved the layout is not yet fixed and so could change.

As the development will involve the removal of existing vegetation, to satisfy the above policies there will need to be a scheme of Landscape Mitigation agreed. This should include a landscape treatment along the Highfield Spring frontage be a minimum of 5m wide planted native buffer with supplementary tree planting. The applicant has clarified that it is possible for buffer planting to co-exist with the SUDS features and so it is suggested that a scheme of advanced structure planting is prepared and submitted ahead of any reserved matters submissions coming forward in order to secure an appropriate level of mitigation to meet policy requirements for the benefit of both the development and for the amenity of the nearby residents.

Objections have been raised in relation to the loss of a green corridor along the footpath and queries have been raised about the amount of landscaping proposed, especially to Highfield Spring. As noted previously in the report the objections were received to the plans as originally submitted. These plans have since been amended to demonstrate the provision of a planted buffer a minimum of 5m wide is to be provided along Highfield Spring. In relation to the objection which refers to the loss of a green corridor, whilst the proposal would result in development closer to the footpath, there is still an existing hedgerow and vegetation buffer which is to be retained and enhanced as part of the development.

Accordingly, no objections are raised, and the proposal is considered acceptable to comply with the relevant policies above.

Turning to ecological considerations, the application was accompanied by a Preliminary Ecological Appraisal which detailed surveys which have been undertaken on the site which included fauns, badgers, breeding birds, winter birds and bats.

The Councils Ecologist has assessed the submitted information and is happy that the surveys have been undertaken correctly, and considers that the recommendations in the report should be attached to any permission to ensure that the development is acceptable and that appropriate mitigation is sought.

Objections have been received in relation to the impact on Wildlife in general and many objections have mentioned impact on deer. As noted above an Ecological Appraisal has been submitted and assessed by the Councils Ecologist who has raised no objections to the proposal. In relation to deer, they are not protected and do not have any other wildlife designation, and the proposal is not considered to have a significant adverse impact in this regard.

Having regard to this, it is considered that in terms of ecological implications the application is acceptable and in accordance with Policy CS21 'Landscape'.

### Trees

A tree survey was submitted in support of the application which states that 88 items of woody vegetation, comprising of 57 individual trees and 31 groups of trees, identified as Category C trees are currently on the application site. The significant tree cover within the site consists of dense young to semi mature trees close to the southern boundary. The tree cover becomes sparse further from the boundary, with little of arboricultural significance in the central areas or towards the northern and western boundaries.

The proposal would result in the removal of 48 trees and 15 groups of trees. It states that although there are a high number of trees to be removed, their loss will only have a very limited negative arboricultural impact due to their

particularly low value. The development of the site provides an excellent opportunity to undertake new tree planting throughout the site as part of a soft landscaping scheme.

The Councils Tree Service has been consulted on the application and they have stated that they do not object to the proposal in principle however had some questions regarding the level of tree planting to mitigate lost arboricultural value because of the development. The proposed industrial units will require the removal of a significant number of young to semi-mature trees and an increase in built form and hard surfaced areas, contributing to a reduction of Green Infrastructure and public amenity. While it is accepted that the loss would not stand in the way of the development it should be appropriately mitigated and compensated for in the landscape masterplan. It is therefore considered that the tree planting details can be assessed, and subsequent mitigation provided at the reserved matters stage, and as such the proposal is in compliance with the relevant Local plan policies.

Objections have been received about the loss of trees on the site. It is acknowledged that trees will be removed/lost as part of the proposal, however as detailed above conditions will be attached to any permission to ensure that any lost planting will be mitigated for and that an acceptable replacement tree planting will be provided on the site.

#### Air Quality Considerations

An Air Quality Assessment has been submitted in support of the application which looks at the impacts of both the construction and operational phase. This concludes that in relation to the construction phase mitigation measures should be provided to mitigate any risk of adverse effects due to dust emissions which would then not be significant.

Objections have been received on the grounds of increased pollution from increased traffic, the construction phase of the development and also the operational phase the development. In this regards the Councils Air Quality Officer has provided the following comments –

*“The Air Quality Assessment submitted with the application and it concluded that all sensitive receptor locations in the vicinity are expected to be exposed to air quality below the Air Quality Objectives for the pollutants NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>. Detailed dispersion modelling of traffic pollutants was undertaken for the proposed development.*

*The impacts during the operational phase take into account exhaust emissions from additional road traffic generated due to the proposed development. The long-term (annual) assessment of the effects associated with the proposed development with respect to nitrogen dioxide (NO<sub>2</sub>) was determined to be ‘negligible’ (Institute for Air Quality Management Guidance). With respect to PM<sub>10</sub> and PM<sub>2.5</sub> exposure, the effect is determined to be ‘negligible’ at all identified existing sensitive receptor locations (residential*

*areas). All proposed receptor locations are expected to be exposed to air quality below the Air Quality Objectives for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub>. Receptors such as 1 Sorby Row, Waverley were included in the assessment, and the impact was predicted to be 0.1ug.m<sup>3</sup> in the year 2025, which is very small increase of annual mean nitrogen dioxide, 0.25% of the NAQS objective. By 2025, levels of air pollution will also have reduced nationally.”*

In conclusion the Council's Air Quality Officer states that it should be ensured that the installation of Electric Vehicle Recharging infrastructure takes place within the development. Therefore a condition should be attached to any permission requiring the installation of electric vehicle charging infrastructure to meet the requirements set outline the Councils adopted SPD.

#### General Amenity

The application site is on land allocated for employment uses within the adopted Local Plan. Whilst it is noted that land to the north and west is also employment land within the AMP, to the east of the site are houses within the Waverley Community. The three storey houses on Sorby Row face forward onto Highfield Spring and the application site beyond. The application site boundary is at the closest point approximately 25m away from the front elevation of the properties. The amended plans have included a strategic landscape buffer being provided along the Highfield Spring frontage of the site to soften any proposed development and improve residential amenity for the residents opposite. Additionally, the proposed height of unit 10 has been reduced by 1.5m to a maximum height of 11.5m. In this regard a plan showing sections through the site and the residential properties demonstrates that there is 34m between the closest dwelling and the proposed building and that the height of the building as amended, could be no more than 2.25m higher than the houses themselves. It is considered appropriate to attach a condition to limit the height of any buildings in this location to a maximum of 11.5m.

Taking into consideration the height of the closest building and the distance from the dwellings it is not considered that the proposal would have an overbearing impact nor would it lead to a significant loss of privacy. It is acknowledged that the outlook from the properties will be altered as the site is currently vacant, and the proposal would result in buildings being on the site. Whilst the proposed buildings may impact on sunlight when the sun is setting in the west due to the erection of the buildings, it is not considered that it would have a significant affect on daylight in general terms due to the height and distance from the dwellings. It is therefore not considered that the proposal would have a significant detrimental impact on the residential amenity of residents of the dwellings to justify refusing planning permission for the development.

Objections have been received on the grounds that residents were not made aware by housing developers or solicitors of the development of the land, as if they had known they would not have purchased their properties. From a Planning point of view the site is allocated in the adopted Local Plan as allocation E22 for Industrial and Business Uses. The proposed development

is consistent with this allocation and follows the allocation boundary along Highfield Spring and the southern boundary of the site. The houses facing Highfield Spring across from the application site were therefore always going to face industrial development if the full allocation was developed out.

Furthermore, previous consents have permitted industrial development on this site, with the previous permission permitting a 18,745m<sup>2</sup> building for Rolls Royce which was over 30m high (RB2012/0896). This building was consented in full knowledge of the Waverley New Community masterplan and consent and Highfield Commercial mixed use allocation (draft at the time) which allocated residential development at HC5 adjacent to the site.

In relation to General Amity concerns, Core Strategy Policy CS27 'Community Health and Safety,' notes in part that:

*"Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities."*

Policy SP52 'Pollution Control' goes on to state 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."*



Due to the close proximity of the residential properties it is considered that there is potential for them to be affected by noise and vibration depending on the type of industrial machinery installed and on the acoustic insulation provided to the buildings. No Noise Assessment has been submitted as part of this application as it would be almost impossible to predict what plant and machinery would be required for each unit given the buildings could be constructed on a speculative basis. In order to address this point it is recommended that a condition be imposed requiring a full Noise and Vibration Assessment to be carried out and submitted in support of all future Reserved Matters applications which will enable a full assessment of impact to be carried out and if required noise mitigation measures to be installed within the fabric of buildings.

On this basis it is considered that the proposed development can be accommodated on this site in compliance with the provisions of Policy SP52 Pollution Control which seeks to minimise the adverse effects of nuisance, disturbance and pollution associated with development and transport.

### Geotechnical Issues

A Preliminary Risk Assessment and Coal Mining Risk Assessment has been submitted in support of the application, the objective of the report is to provide sufficient desk-based information in relation to the potential risks to the development from ground contamination and coal mining issues.

*The report concludes that 'At the site and in the surrounding area significant thicknesses of infilled materials have been recorded at depths of up to 28m. In addition, the site and surrounding area have been classified as historical landfill sites that accepted inert, commercial, domestic and industrial waste. On this basis, putrescible materials could be present beneath the site which have the potential to degrade over time and from hazardous ground gases including methane and carbon dioxide. There may be a potential for hazardous ground gases to migrate through permeable backfill and/or fracture strata into the proposed buildings.*

*Between 2000 and 2003, three phases of ground investigation were undertaken by WYGE that confirmed that backfill materials below the site are classified chemically inert (or 'uncontaminated') materials. However, buried steelworks waste was identified below the northeastern part of the site to depths of between approximately 10.0m and 19.0m. On this basis, it is considered that there may be potentially complete pollutant linkages in respect of contamination*

*The Coal Mining Risk Assessment (CMRA) has identified potential issues relating to the former surface mining operations. These include; the presence of contaminated backfill materials; the load bearing capacity and characteristics of the backfill; and the possible presence of highwalls.*

*In respect of shallow coal seams these are no longer present beneath most of the site as they were excavated / worked during the opencast mine operations between the 1970s and 1990s. The only exception to this is the area of the highwall along the south western site boundary where seams may remain in situ.*

*There are no mine entries recorded within the site, nor within the immediately surrounding area and there is consequently no risk to the development from mine entries. In the unlikely event that excavations reveal buried structures suggestive of mine entries, then additional inspection and assessment should be undertaken. Harworth Estates Investments Ltd 33 Preliminary Risk Assessment and Coal Mining Risk Assessment: Land off Whittle Way, AMP 350391 R01 (01) On this basis, it is considered that there are limited risks associated with past underground and shallow coal mining”*

This information has been assessed by the Coal Authority who note that the report identifies an area of the highwall along the south western site boundary where seams may remain in situ. They concur with recommendations in the report further investigation is undertaken across this part of the site to try and locate the highwall, and that if this is confirmed to be present within the site then an additional rotary borehole investigation may be required to investigate shallow coal seams. Where a highwall is found to be present within a site we would recommend that the layout is designed to avoid buildings straddling this feature to ensure that no risks subsequently arise from differential settlement. They therefore recommend specific conditions to ensure the development is undertaken in safe manner.

The Councils Land Contamination Officer has also assessed the submitted information and has recommended that intrusive site investigation works be undertaken to confirm the identified pollutant linkages, the location of the Waverley High Wall, the location of the tipped steelworks and to confirm the load bearing characteristics across the site, including the two ages of opencast backfill present beneath the site to demonstrate that there are no significant variations in terms of the nature and quality of the backfill materials present.

Based on the above information it is considered that the site is acceptable with respect to contamination subject to the imposition of conditions on any permission granted.

## **Conclusion**

The application seeks permission in outline for B2, B8, & E(g) (office and industrial) uses on a site that is allocated for Industrial and Business Use within the adopted Rotherham Unitary Development Plan. The proposal is therefore considered to be acceptable in principle. The impact of the proposal on the local and strategic network is considered to be minimal. The level of car parking provision is in accordance with the Councils maximum parking guidelines, and the site is considered to be in a sustainable location with

access to public transport. The development is therefore considered to be in accordance with the policies of achieving sustainable development in the NPPF and with relevant policies in the sites and policies document.

With regards to drainage, the proposal is considered acceptable in this respect and full details should be submitted at the reserved matters stage. Turning to landscaping, ecology and trees, it is considered that the site can be appropriately landscaped, subject to the submission of full details with a reserved matters application, and that recommended mitigation measures are appropriate to encourage biodiversity gain at the site. Further site investigations are required in relation to land contamination and stability to be provided via conditions.

Whilst there have been numerous objections to the development, the amended proposal which provide a landscape buffer along Highfield Spring, and the reduction in possible height of unit 10 are considered acceptable to make the development appropriate on this site. Additionally, it is considered that conditions can be attached to any permission to ensure that any future noise/ vibrations are controlled to ensure that there is no significant impact on residential amenity.

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

### **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 02 20 25 30 33 & 34 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 02 20 25 30 33 & 34 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.'

01

- a. Application for approval of reserved matters must be made within three 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, details of the layout, scale, appearance and landscaping 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)

- Location Plan 13204-3-100 Rev C
- Proposed Site Plan 13204-3-111 Rev H
- Proposed Parameters Plan 13204-30-109 Rev C
- Highway General Arrangements WAV-TTE-00-XX-DR-C-PL.0 Rev P01

Reason

To define the permission and for the avoidance of doubt.

GENERAL

04

The development hereby approved shall be used for uses within Use Class B2, B8 and E(g) only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order, 1987).

Reason

The premises are not considered suitable for general use within the Class quoted as relevant supporting evidence has not been considered as part of the application process.

05

No buildings shall exceed the maximum height limits within each area as indicated on the proposed parameters plan Ref 13204-3-109 Rev C.

Reason

To ensure a satisfactory form of development and in the interests of residential amenity of nearby properties

06

No above ground development shall take place within each phase as identified on plan ref: 13204-3-118 Rev D until details of the materials to be used in the construction of the external surfaces of the development of that phase 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 of that area or sub area shall thereafter be carried out in accordance with the approved details/samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Policy SP55 Design Principles.

### TRANSPORT

07

Before the development of each plot is brought into use, that part of the plot 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

Car parking and cycle parking shall be provided within the curtilage of each plot in accordance with the Council's maximum car parking standards.

Reason

In the interests of highway safety.

09

Before the development of each plot is commenced road sections, constructional and drainage details for that Area or Sub-Area shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

10

Prior to the submission of the first Reserved Matters application, details of a pedestrian/cycle link to the existing cross border route along the south western boundary of the site and a timetable for its implementation shall be submitted and approved by the Local planning Authority. The approved link shall be provided in accordance with the approved timescale for implementation.

Reason

In order to promote sustainable transport choices.

11

Prior to the submission of the first Reserved Matters application, an amended Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority and Highways England. The plan shall include clear and unambiguous objectives, modal split and peak hour vehicle targets together with a programme of implementation, monitoring, validation and regular review and improvement but also include details of the method(s) of mitigation to be used if the agreed targets are not met. The Local Planning Authority shall thereafter 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. Once the Travel Plan has been agreed in writing it shall be implemented in full for the lifetime of the development.

Reason

In the interests of the safe and efficient operation of the Strategic Road Network.

## DRAINAGE

12

The development shall be carried out in strict accordance with the details shown on the submitted plan, "Flood Risk and Drainage Assessment prepared by WYG (Third Issue dated 23/03/2021)", unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of satisfactory and sustainable drainage

13

No above ground development shall commence until a drainage strategy considering the drainage for the whole site and a foul and surface water drainage scheme for the site, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on sustainable drainage principles. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is first brought into use. Until the approved scheme has been fully implemented, temporary arrangements shall be put in place to limit foul discharge to rates agreed by Yorkshire Water and surface water

runoff to the approved discharge rates, based on the area of site currently developed. 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 40% 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

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

#### Reason

To prevent pollution of any watercourse in accordance with Policies CS25 'Dealing with Flood Risk and SP47 Understanding and Managing Flood Risk

15

Notwithstanding the submitted documents, no above ground development shall commence until an updated Flood Risk Assessment based on existing flood risk, proposals to mitigate flood risk and sustainable drainage principles for the development, has been submitted to and approved in writing by the Local Planning Authority.

#### Reason

To ensure that the development can be properly drained in accordance with Policies CS25 'Dealing with Flood Risk and SP47 Understanding and Managing Flood Risk

16

Notwithstanding the submitted documents, no above ground development shall commence within each phase of the development identified on plan ref: 13204-3-118 Rev D until a flood route drawing has been submitted to and approved in writing by the Local Planning Authority. The drawing shall show 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.

#### Reason

To ensure that the development can be properly drained in accordance with Policies CS25 'Dealing with Flood Risk' and SP47 'Understanding and Managing Flood Risk'

### LANDSCAPE TREES AND ECOLOGY

#### 17

Prior to the submission of any reserved matters in relation to this outline consent a Landscape Design Code shall be provided which clearly sets out the key principals, planting strategy and design instructions for the on plot landscaping of the above development, including consideration to the design of previous phases. The design Code shall include information on the hierarchy of landscape and boundary treatments, indicative species lists, hard landscape treatments such as paving, seating, lighting or other furniture, and suds features proposed. All subsequent applications for the approval of reserved matters for individual plots or groups of plots, shall have regard to the details within the approved Landscape Design Guide, in the preparation of landscape proposals and shall include a detailed planting plan. 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 and a schedule of operations for the lifetime of the development, 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 Policy CS21 Landscape.

#### 18

Prior to the submission of any reserved matters in relation to this outline consent a detailed scheme of advance structure planting to the perimeter of the site including a minimum 5m wide screen planting buffer to Highfield Spring shall be submitted to and approved in writing by the Local Planning Authority. 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. Cross sections to demonstrate the height and width of such buffers.
- A written specification for ground preparation and soft landscape works.



- Written details of the responsibility for maintenance and a schedule of operations for the lifetime of the development, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

The said planting shall thereafter be implemented in accordance with the approved details within the first planting season following commencement of development.

#### 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 CS21 Landscape.

#### 19

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 Policy CS21 Landscape.

#### 20

No operations 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 in relation to the Structure Planting along Highfield Spring to and approved by the Local Planning Authority. All subsequent reserved matters shall also 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 in accordance with Rotherham's Core Strategy Policies CS3: Location of New Development, CS19: Green Infrastructure, CS20 Biodiversity and Geodiversity, Policy CS21 Landscape, Policy CS28 Sustainable Design.

21

All subsequent applications for the approval of reserved matters shall be accompanied by details of a sensitive lighting scheme where applicable which avoids lighting the scattered trees and parkland to the west and south of the Site. The principles of this scheme shall be developed using guidance contained within Appendix 2 of the submitted Bat Assessment Survey and shall thereafter be implemented and retained for the lifetime of the development.

**Reason**

To ensure the development is carried out in an appropriate manner and to protect local nature conservation in accordance with Policy CS20 'Biodiversity and Geodiversity' and relevant guidance contained within the NPPF.

22

All subsequent applications for the approval of reserved matters shall be accompanied by proposals for the creation of long term bird and bat roosting opportunities which shall be integrated or externally mounted on the new buildings hereby approved. The approved scheme shall thereafter be implemented for the lifetime of the development.

**Reason**

To ensure the development is carried out in an appropriate manner and to protect local nature conservation in accordance with Policy CS20 'Biodiversity and Geodiversity' and relevant guidance contained within the NPPF.

## ENVIRONMENTAL

23

All subsequent applications for the approval of reserved matters shall include a scheme to provide electric vehicle charging points within the car parks in accordance with Supplementary Planning Document 2 'Air Quality and Emissions' and the approved scheme shall be implemented before the development is occupied.

Reason In order to promote sustainable transport choices.

24

No part of the land other than that occupied by buildings shall be used for the permanent storage of goods, components, parts, waste materials or equipment without the prior written approval of the Local Planning Authority.

Reason

To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with Policy CS 28 Sustainable Design

25

Prior to commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority where relevant, detailing the following:

- Wheel washing facilities
- Hours of operation/construction
- Details of any lighting
- Methods to control dust emissions
- Noise levels and specifications of reversing alarms fitted to vehicles
- Contact name and telephone number of Officer responsible for immediate investigation of complaints, and such further matters as the Local Planning Authority may consider necessary.

The construction shall thereafter be carried out at all times in accordance with the approved details.

Reason

In the interests of the amenity of the locality and in accordance with Policy SP52 Pollution Control.

26

Each and every building hereby approved shall be designed to achieve BREEAM Very Good rating as a minimum. Prior to the commencement of the development of each building a BREEAM Assessors report shall be submitted to and approved in writing by the Local Planning Authority. The building shall subsequently be developed in accordance with the approved details.

Reason

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

27

All subsequent applications for the approval of reserved matters shall include a report from a specialist noise consultant or suitably qualified person, to assess the impact of this additional noise source on nearby residential properties. The report shall be conducted in accordance with BS4142:2014 + A1:2019, and shall address any remedial works that need to be carried out in order to mitigate any adverse impact on nearby noise sensitive receptors. The approved details shall be implemented on site prior to the first occupation of each building.

Reason

In the interests of the amenity of the locality and in accordance with of Policy SP52 Pollution Control.

28

During the hours of 07.00 to 23.00, the BS4142 rating level, measured over 1 hour, shall not exceed the background sound level by more than 3dB above the background (LA90) at the nearest noise sensitive properties. During the hours of 23.00 to 07.00 the BS4142 rating level, measured over 5 minutes shall not exceed the background sound level by more than 3dB above the background (LA90) at the nearest existing noise sensitive properties.

Reason

In the interests of the amenity of the locality and in accordance with of Policy SP52 Pollution Control.

29

All subsequent applications for the approval of reserved matters shall include a report on the potential for vibration from industrial machinery to affect neighbouring businesses or residential properties. The report shall address any remedial works that need to be carried in order to avoid any adverse impact on nearby noise sensitive receptors.

Reason

In the interests of the amenity of the locality and in accordance with of Policy SP52 Pollution Control.

30

Prior to development commencing further Intrusive Site Investigation works shall be undertaken in accordance with the recommendations made in section 6.0, page 33 of the report entitled 'Preliminary Risk Assessment and Coal Mining Risk Assessment – at Land off Whittle Way, Advanced Manufacturing Business Park' - prepared by RSK Environment Ltd, dated 12 October 2020, reference 350391-R01 (01).

The investigation and subsequent risk assessment must be undertaken by competent persons the investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication C758D "Abandoned mine workings manual" where applicable. A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, and the development thereafter shall be carried out in accordance with the approved details.

Reason

To ensure that risks from land contamination and land stability 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

In relation to Condition 30 all subsequent applications for the approval of reserved matters shall include, details of how the layout of the development has taken account of the location of the surface mining highwall, where this is necessary.

Reason

To ensure that risks from land stability to the future users of the land and neighbouring land are minimised

32

No development shall commence until;

- a) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

To ensure that risks from land stability to the future users of the land and neighbouring land are minimised

33

Prior to the development being taken into beneficial use a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

To ensure that risks from land stability to the future users of the land and neighbouring land are minimised

34

Prior to development commencing a Remediation Method Statement shall be submitted 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

35

In the event that gas protection measures are required, a Detailed Design Report for Gas Mitigation Measures shall be provided and shall comprise details of gas conceptualisation (severity of gas regime and sensitivity of land use), building and construction related details such as floor slabs, wall construction, ground conditions, venting, gas membrane product specification, gas membrane installation methodology and installer qualifications/relevant experience. The gas protection measures designed will be sufficient to mitigate against the risk of potential ground gas.

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

36

Installation of the gas protection measures are to be verified to confirm the gas mitigation measures constructed/installed meet the required standards. Inspection reports for each unit will need to be submitted and 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

37

If subsoil/topsoil is required to be imported to site for remedial works/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.

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

38

Prior to development suitable water supply pipes will need to be specified and approved in writing by the Local Planning Authority to ensure resistance from chemical attack from residual contaminants remaining in the ground.

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

39

In the event that during development works unexpected significant contamination is encountered, 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

40

Following completion of any required remedial/ground preparation works a Verification Report shall be submitted to and approved by the Local Planning Authority. The Verification 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 verification report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the Local Planning Authority.

Reason

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

## TELECOMMUNICATIONS

41

All subsequent applications for the approval of reserved matters shall include details of measures to facilitate the provision of gigabit-capable full fibre broadband for the development hereby approved, including a timescale for implementation, which shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

### Reason

In accordance with Local Plan Policy SP61 'Telecommunications' and Chapter 10 of the NPPF

## INFORMATIVE

Please note that this permission relates to a flexible/mixed use development. Under Class V of Part 3 of Schedule 2 of the General Permitted Development (England) Order 2015, the above mentioned uses can be interchanged over a 10 year period (starting upon commencement of the first use). However, you should note that at the end of 10 years whichever use is in operation will become the established lawful use of the site/building and subsequent changes of use may require planning permission.

### Yorkshire Water

#### Waste Water

1) The submitted Flood Risk and Drainage Assessment prepared by WYG (Report dated October 2020) is acceptable. In summary, the report states that foul water will discharge to public foul sewer network and that surface water will discharge to private surface water drain upstream of discharge to watercourse subject to LLFA requirements.

2) Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed.

NOTE: Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

### Environment Agency

The development site is located on an historic landfill site. We hold the following details about the site on our records:

Waverley East Opencast Coal Site was licensed to accept steelworks waste, electrostatic precipitation waste, solids and sludges, roof extraction dust, acid neutralisation plant waste and residue, oily sludge, slag dust slurry, paper, cardboard, plastic cups, slag, refractory bricks and general debris. It accepted waste between 1977 and 1993.



Given the nature of the waste accepted and the time since waste was last deposited, it is unlikely that the site poses a risk of landfill gas being generated, but this cannot be ruled out on the basis of the information we hold. The developer may wish to carry out, or the planning authority may wish to require, a suitable risk assessment

### SYMAS

In the case of further stabilisation works being required, then the condition will not be discharged until details of such works have also been submitted. Responsibility for securing a safe development rests with the developer and/or landowner

### Coal Authority

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

### Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

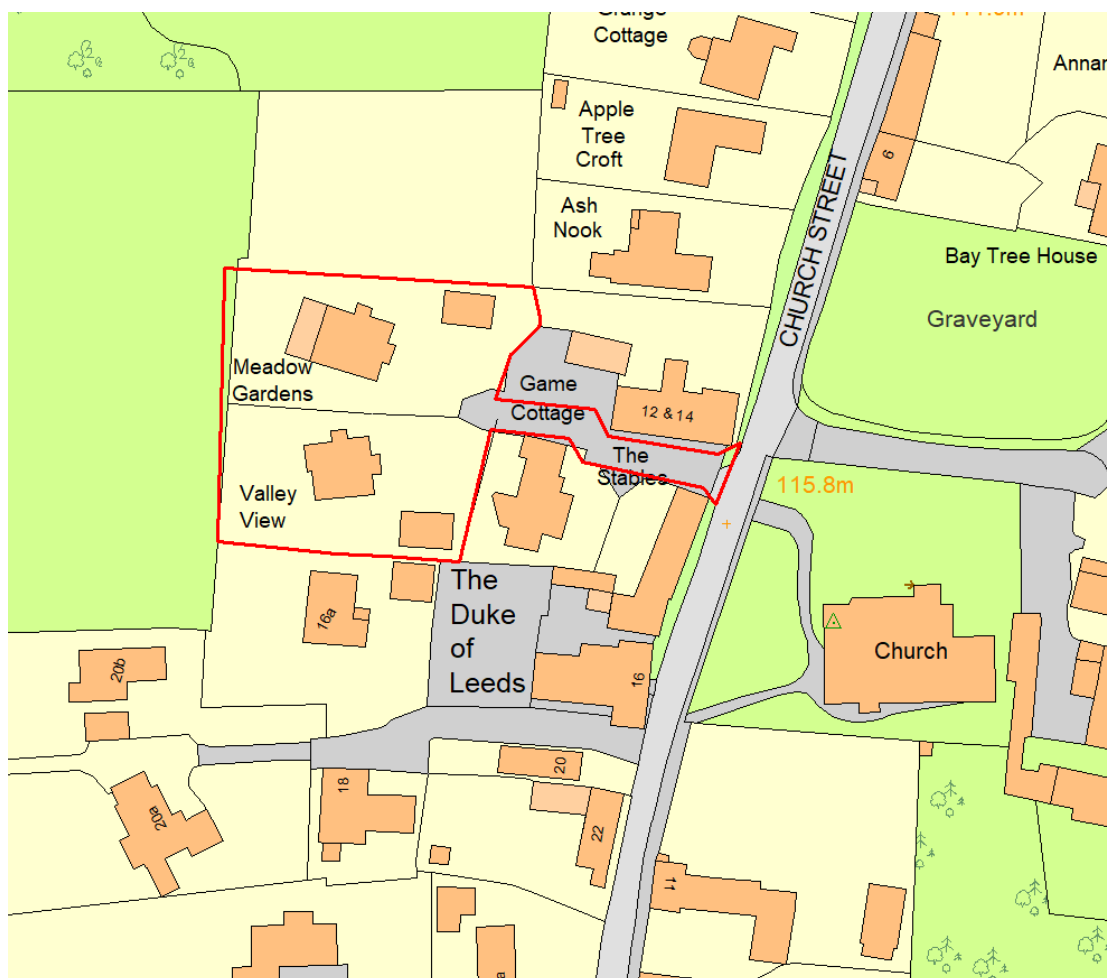
*In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.*

## 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.

<b>Application Number</b>	<b>RB2021/0504</b> <a href="https://rotherham.planportal.co.uk/?id=RB2021/0504">https://rotherham.planportal.co.uk/?id=RB2021/0504</a>
<b>Proposal and Location</b>	Application to vary conditions 01 (plans), 03 (access) & 10 (vehicle turning area) imposed by RB2016/1422, land at Church Street, Wales
<b>Recommendation</b>	<b>Grant Conditionally</b>

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



### Site Description & Location

The site of application comprises a couple of newly built dwellings accessed off a shared drive, which links to Church Street Wales. The site falls within the Wales Conservation Area and also abuts the Green Belt.

The shared access also serves four existing historic properties that have long utilised the shared access.

## **Background**

RB2011/0178 - Erection of 2 No. detached two storey dwellings and 2 No. detached garages – REFUSED for the following reasons:

01 The existing vehicular access to the site (as amended) is considered to be unsuitable to cater for the additional vehicular traffic likely to be generated by virtue of the severely restricted visibility at the junction with Church Street where the driver of a vehicle leaving the site must emerge into the highway before an acceptable degree of visibility is available, to the detriment of road safety.

02 The proposal, if implemented, would result in 6 No. dwellings being served from the private drive which is contrary to the Council's usual practice of restricting the number of dwellings served from an unadopted road to a maximum of 5 No. in order to avoid the creation of private streets.

03

It is considered that by way of their height, scale and massing the proposed dwellings would have an unacceptable impact on the visual amenities of the area and fails to take the opportunities to improve the character of the area in conflict with paragraphs 59 and 64 of the NPPF.

A subsequent appeal against the refusal was ALLOWED.

RB2015/1117 - Application to vary Condition 02 (plans) and No. 04 (access) imposed by RB2011/0178 (Erection of 2 No. detached two storey dwellings and 2 No. detached garages) - GRANTED CONDITIONALLY

RB2016/0842 - Application to vary condition 02 (materials) imposed by RB2015/1117 - GRANTED CONDITIONALLY

RB2016/1422 - Application to vary condition 01 (approved plans) imposed by planning application RB2016/0842 - GRANTED CONDITIONALLY (this related to amendments to the design and appearance of Plot 2).

RB2018/0115 - Single storey side and rear extension - GRANTED CONDITIONALLY

Following complaints received from local residents it became apparent that the access and turning area provided on the ground differed from that approved under RB2015/1117 (and as retained under permission RB2016/1422). The amended layout also prevented access through to the

adjoining land to the north. As a result, the current application has been submitted in an attempt to regularise matters.

## **Proposal**

The applicant seeks permission to vary conditions 01 (approved plans), 03 (access) & 10 (vehicle turning area) imposed by application RB2016/1422. The conditions state that:

*01*

*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)*

*(Garage Plans 2015-58-4) (Received 18/08/2015)*

*(Amended Plot 1 2015-58-2A) (Received 30/09/2015)*

*(Amended Plot 2 2015 -58-3C) (Received 20/10/2016)*

*(Amended Site Plan 2015058-1B) (Received 16/10/2015)*

*Reason*

*To define the permission and for the avoidance of doubt.*

*03*

*The development hereby permitted shall not be occupied before the access to Church Street is laid out in accordance with the details shown on approved plan No. 2015058-1B. The access shall be retained in accordance with these details thereafter.*

*Reason*

*In the interest of highway safety.*

*10*

*The vehicular turning area, shaded yellow on the attached plan, shall be provided before the development is brought into use and thereafter retained for such purposes.*

*Reason*

*To ensure that a typical emergency/service vehicle can turn within the site in the interests of highway safety.*

The applicant is seeking to retain the amended access arrangements and turning head, which differ from the approved layout plans. The applicant was initially also seeking to retain an access to an adjoining agricultural field that was previously marked on the approved plans as to be closed off. However, recently the applicant has agreed to amend the proposals to exclude this vehicular access provision and amend the plans to show provision of a pedestrian access only.

## **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 and is within the Wales Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):  
 CS23 'Valuing the Historic Environment'  
 CS27 'Community Health and Safety'  
 CS28 'Sustainable Design'

Rotherham Sites and Policies:  
 SP55 'Pollution Control'

## **Other Material Considerations**

National Planning Practice Guidance (NPPG)

National Planning Policy Framework (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 (with a proposed vehicular access to the land to the north) has been advertised by way of a press and site notice as the site is within the Wales Conservation Area, along with individual neighbour notification letters to adjacent properties. 9 letters of objection have been received stating that:

- It would be detrimental to the safety of pedestrians/ and school children, the increased traffic would mean even more traffic out of a very dangerous entrance
- Potential for additional residential properties within the Green Belt.
- The turning head should have been installed in accordance with the approved plans.
- The Green Belt fields in question already have an access elsewhere and this access is not needed.
- The field access was removed from the original permission and this approval should be adhered to.

- There is small wall to the access with Church Street which reduces visibility.
- The applicant has not had regard for the approved plans and have undertaken the work without permission.
- The original approval granted at Appeal by the Planning Inspectorate, did not show any access to the adjoining field.

It should be noted that a number of objectors have indicated that they support the provision of the turning head.

Only a short period before the publication of the agenda the amended plans, showing the provision of a pedestrian access only to the adjacent fields, was sent to the objectors, and three responded and indicated that they had no issue with the proposed pedestrian only access, subject to clarification as to how it would be ensured. One of these objected to the width of the gate (at 1.2m) and considered that a 0.9m width would be more appropriate, to prevent a mini-digger accessing the land.

A total of 8 objectors and the agent for the applicant have requested the right to speak at Planning Board.

### **Consultations**

RMBC – Highways: Notes that the South Yorkshire Fire and Rescue Service has confirmed that the gravel and block paved areas are acceptable for their vehicles to turn, and has no objections to the proposals which are considered to provide suitable turning facilities in this location, subject to a condition safeguarding the availability of the turning area at all times.

### **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 impact upon highway safety
- The impact upon neighbouring amenity
- The impact upon the Wales Conservation Area

- Potential for future residential development within the Green Belt.

#### The impact upon highway safety

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

Whilst the proposed turning areas differ from those approved under application RB2016/1422, the agent has advised that the South Yorkshire Fire and Rescue Service has confirmed that the gravel and block paved areas are acceptable for their vehicles to turn. The gravel area, which was previously outside the application site boundary but which the owner now gives permission to be used for turning purposes, is considered to be suitable for use by a small delivery vehicle eg. for home deliveries.

The late amendment to the plans to remove the proposed vehicular access to the open field to the north addresses many of the concerns raised by the objectors, such as that it could be used to facilitate further residential development, and that it could lead to an increase in traffic which would be detrimental to the safety of pedestrians/ and school children.

Another objection raised is that there is small wall to the access with Church Street which reduces visibility. This wall does not exceed 900mm in height and is not considered to cause any highway visibility concerns along the narrow Church Street, and the Inspector considering the previous appeal accepted that visibility to the south is restricted, and that the sightlines are substantially less than recommended in Manual for Streets, but had no evidence that this has caused any danger to existing road users. He added that the road to the south leads to a dead end meaning that traffic from that direction is limited and that the road was very quiet and vehicles passed at only a moderate speed

In these circumstances, there are no objections to the proposal from a highway aspect subject to a condition safeguarding the availability of the turning area at all times and to a restriction preventing subsequent formation of a vehicular access to the land to the north.

#### The impact upon neighbouring amenity

Core Strategy Policy CS 27 ‘Community Health and Safety’ states that: “Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.”

SP 55 ‘Pollution Control’ of the emerging Sites and Policies Local Plan 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”.

Paragraph 170 of the NPPF states that:

“Planning policies and decisions should contribute to and enhance the natural and local environment by: e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability”.

In this instance the amended highway access and layout will not give rise to any neighbouring amenity concerns, by way of additional noise or air pollution.

#### The impact upon the Wales Conservation Area

Core Strategy Policy CS23 ‘Valuing the Historic Environment’ and CS28 ‘Sustainable Design’ indicate that Local Planning Authorities should ensure that new development make a positive contribution to the character and local distinctiveness of the historic environment.

The NPPF states at paragraph 131, that: “In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

The proposed turning head in gravel is in keeping with the setting within the Conservation Area. As such no harm to the character or appearance of the Conservation Area will occur.



### Potential for future residential development within the Green Belt.

The majority of the objections received relate to the potential for the access to be used to access adjoining land to the north with a view to potential further residential development. This land forms part of the Green Belt where there are strict restrictions against residential development both within the Council's Local Plan and the National Planning Policy Framework and, irrespective of the access issues, any such application is unlikely to be supported as it is unlikely to meet any of the exceptions for Green Belt residential development set out in the National Planning Policy Framework.

As noted above, the applicant has amended the proposals to allow for pedestrian access only to this land and a condition is recommended to control this. At 1.2m in width the pedestrian access is considered acceptable and it is not considered necessary to restrict the width to 0.9m as suggested by one of the objectors.

### **Conclusion**

That the application to vary the approved plans is acceptable in terms of highway safety, neighbouring amenity, the Conservation Area. As such the scheme is recommended for approval subject to the following conditions.

### **Conditions**

01

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)

(Garage Plans 2015-58-4) (Received 18/08/2015)  
 (Amended Plot 1 2015-58-2A) (Received 30/09/2015)  
 (Amended Plot 2 2015 -58-3C) (Received 20/10/2016)  
 (Amended Site Plan) (Received 12/07/2021)

Reason

To define the permission and for the avoidance of doubt.

02

The access arrangement and vehicular turning area, shaded yellow on the Amended Site Plan – received 12/07/21, shall be retained for such purposes for the lifetime of the development.

Reason

To ensure that a typical emergency/service vehicle can turn within the site in the interests of highway safety.

03

The acoustic fencing installed to the rear garden boundaries shall be retained for the lifetime of the development.

**Reason**

In the interest of the amenity of the occupiers, to reduce noise pollution from the M1 motorway.

04

Within 1 month of the date of this decision, full details of the method of enclosing the site between points A-B-C on the Amended Site Plan (received 12/07/21), with the inclusion of a 1200mm wide pedestrian gate, shall be submitted to and approved in writing by the Local Planning Authority, and the approved details shall be implemented within 3 months of the date of this permission. Thereafter, the implemented details shall be retained and maintained, and no vehicular access shall be provided to the land to the north of the site.

**Reason**

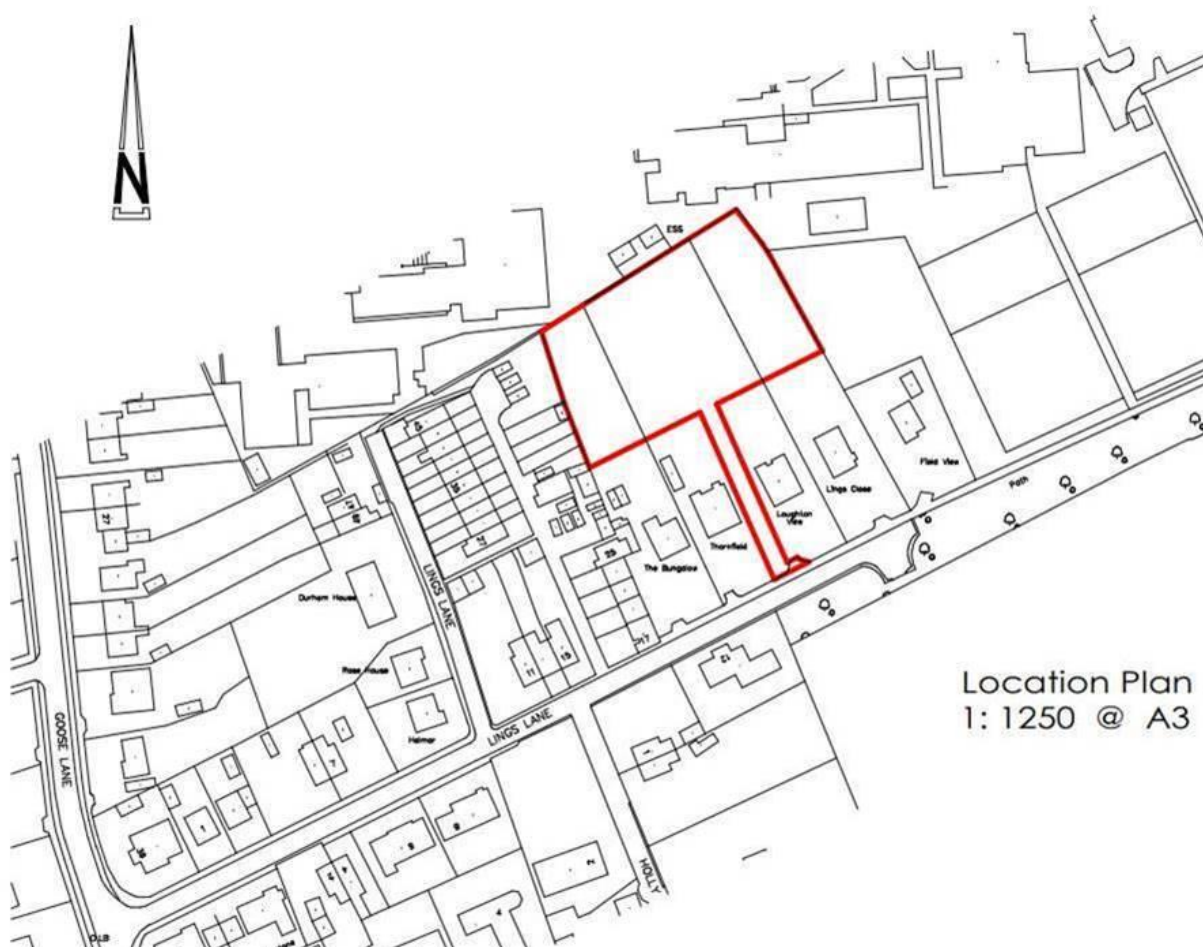
For the avoidance of doubt and in the interests of highway safety.

**POSITIVE AND PROACTIVE STATEMENT**

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

<b>Application Number</b>	<b>RB2021/0624</b> <a href="https://rotherham.planportal.co.uk/?id=RB2021/0624">https://rotherham.planportal.co.uk/?id=RB2021/0624</a>
<b>Proposal and Location</b>	Demolition of existing garage, formation of new access and erection of 4 No. dwellinghouses, land rear of Thornfield, Lings Lane, Wickersley
<b>Recommendation</b>	<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"> <li>£39,204 towards off site tree planting within the Rotherham Borough</li> </ul> <p>B Consequently upon the satisfactory signing of such an Agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>

The application is being reported to Planning Board due to the number of objections received.



### Site Description & Location

The site of application is the rear gardens to four residential dwellings at the end of Lings Lane, Wickersley, being The Bungalow, Thornfield, Laughton

View and Lings Close. The dwellings to the front are a mixture of bungalows and two storey dwellings, constructed in a mixture of brick and render, dating from the inter war period.

To the rear of the site is Wickersley School & Sport College, with residential gardens and garages to the west.

## **Background**

There are no relevant planning applications relating to the site, although there are a number of applications over recent decades to extend and alter the host dwellings fronting Lings Lane.

### **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 applicant seeks permission to fell the existing trees on site and to build four detached two storey dwellings. The dwellings will be accessed off Lings Lane through a new access road between Thornfield and Laughton View.

Following Officer advice the scheme has been amended by:

- Increasing the footpath width along Lings Lane to 2m.
- Landscape scheme including the retention of a number of hedges, as well as the provision of nine new trees and additional ornamental shrubs.
- Reduction in the width of the dwellings to provide a greater visual gap between the dwellings.

The amended dwellings are different plot types with a modern design, including large elements of glazing and mixture of brickwork, cladding and render. The roofs are to be hipped.

The applicant has submitted a tree survey and other supporting information in respect of the impact on trees/hedges on the site. It indicates that 7 trees were removed before the application was submitted, and a further 63 trees would need to be removed (18 individuals, 10 groups or partial groups). Of these, 54 trees are healthy and well established. None of the trees on site are protected. The applicant's survey classifies the majority of the trees to be felled as Category C (Low Quality) and has agreed to a Section 106 Legal Agreement to provide a payment of £39,204, to fund replacement tree planting within the Borough on a 2:1 basis. This is to compensate for the loss of the trees.

## **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 27th June 2018.

The application site is within a Residential area as identified in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policies:

CS1 'Delivering Rotherham's Spatial Strategy'  
 CS14 'Accessible Places and Managing Demand for Travel,'  
 CS27 'Community Health and Safety'  
 CS28 'Sustainable Design'  
 CS33 'Presumption in Favour of Sustainable Development'  
 SP11 'Development in Residential Areas.'  
 SP12 'Development on Residential Gardens'  
 SP26 'Sustainable Transport for development'  
 SP52 'Pollution Control'  
 SP55 'Design Principles'  
 SP56 'Car Parking Layout'  
 SP64 'Access to Community Facilities'

## **Other Material Considerations**

The revised NPPF came into effect in February 2019. It states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise."

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

South Yorkshire Residential Design Guide

Council's Maximum Parking Standards

Supplementary Planning Document – Air Quality and Emissions (adopted June 2020)

The Wickersley Neighbourhood Plan (NP) has been submitted but has yet to undergo statutory consultation, examination and referendum. So while the policies in the draft NP show the intent of the Parish Council (informed by their own consultation exercise), they would be given minimal weight at this stage.

## Publicity

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties. The amended plans have also been re-advertised. A total of 10 objections have been received, including one from Wickersley Parish Council.

The objectors state that:

- Increased traffic along narrow lane, not suitable for additional development.
- Loss of trees detrimental to the character of the area.
- Resulting impact upon wildlife from the felling of trees on site. Impact upon bats, foxes, rabbits and hedgehogs and over twenty five bird species.
- The new dwellings are out of keeping with the traditional character of the area.
- Lack of safe crossing on Morthen Road.
- Lack of adequate amenities such as doctors for future residents.
- The dwellings should be constructed in stone to match nearby dwellings.
- Previous scheme on Goose Lane undertaken by the developer is out of keeping with Wickersley.

Wickersley Parish Council states:

- Lings Lane comprises a mix of dwelling types from detached to small historic terraced cottages. The proposed backland development would be out of keeping with the area by virtue of the size, scale and density of the housing and lack of opportunity for landscaping, which is a characteristic feature of this part of Wickersley. As such the development would be in conflict with policy SP12 of the Rotherham Local Plan.
- The development would be visually intrusive as seen from the cottages to the west of the site contrary to Policy SP12 of the Rotherham Local Plan.
- The development would involve the removal of all trees and vegetation within the site as well as loss of trees on the Lings Lane frontage to make provision for the access. The frontage trees make a valuable contribution to the street scene and the lack of landscaping within the development site to soften the development will result in a stark urban form out of keeping with this area.
- The access to the site will be located in very close proximity to two existing properties causing unacceptable disturbance from vehicular movements associated with the 4 new dwellings.

An objector from Wickersley Parish Council has requested a right to speak at Planning Board.

## Consultations

RMBC – Transportation Infrastructure Service: Notes that the revised layout has now been amended and the footway fronting Thornfield is to be increased in width to 2m so as to provide improved visibility. Also notes that a streetlight is to be re-sited which will be carried out at the applicant's expense. This being the case, there are no objections to the granting of planning permission in a highways context subject to conditions.

RMBC – Trees & Woodlands: No objections subject to the provision of £35,244 via a Section 106 Legal Agreement for the provision of off site tree planting to compensate for the loss of on site trees. Also recommends the appropriate conditions relating to the retention of remaining hedges and appropriate new on site planting.

## 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 considered to be:

- Principle of the development
- Design considerations and impact on the character of the area
- Impact on trees
- Impact on ecology
- Highways
- General amenity

### Principle of the development

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

growth and as such fully in line with the Council's identified housing delivery strategy.

The site is within a Residential area as identified in the Council's adopted Local Plan, as such the principle of residential development is acceptable and would comply with the requirements of Policy SP11 'Development in Residential Areas'.

Policy SP 12 'Development on Residential Gardens' states: "Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:

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

In respect of the comprehensive nature of the development, no other adjoining land is available and that could be amalgamated with the application site, and as such the proposal represents comprehensive development.

The impact on neighbouring residents and on the character of the area are discussed in more detail below.

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..." The site is located within close proximity to local services including shops, schools, doctors, public houses, places of worship and public transport services. As such the site is within a highly sustainable location and would accord with the requirements of CS33 'Presumption in Favour of Sustainable Development' and SP64 'Access to Community Facilities', as well as the NPPF.

#### Design considerations and impact on the character of the area

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

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 and establish or maintain a strong sense of place.

The dwellings proposed are substantial detached dwellings, all with five bedrooms. The applicant has worked with the Council and amended the scheme to create an adequate separation gap between the dwellings, and hipping the roofs to lessen their visual massing. This area of Wickersley has a wide variety of dwelling styles and materials, as such the modern design is considered appropriate. The dwellings have a pleasant modern appearance with a mixture of plots types and materials to add character to the cul de sac.

Accordingly, it is considered that the size, scale, form, design and appearance of the dwellings would not have an adverse effect on the character or appearance of the wider area.

In respect of the layout of the development, it is considered to be suitable for this location and site, it would ensure each property is provided with sufficient outdoor private amenity space and landscaping. It is therefore considered that the development would not result in the site's overdevelopment.

Overall it is considered that the style, layout and design of the proposed development is not out of character with immediate surrounding area. Accordingly, the proposal from a design perspective would satisfy the requirements set out within the local and national planning policies and guidance set out above.

#### Impact on trees

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.”

The proposals would result in the removal of a total of 63 trees, in addition to 7 felled before the submission of the planning application (18 individuals, 10 groups or partial groups). Of these, 54 trees are healthy and well established. None of the trees on site are protected. The applicant's survey classifies the majority of the trees to be felled as Category C (Low Quality) and has agreed to a Section 106 Legal Agreement to provide a payment of £39,204, to fund replacement tree planting within the Borough on a 2:1 basis. This is to compensate for the loss of the trees.

Individually the trees are not significant when taken out of context, however collectively they contribute to the local green infrastructure, biodiversity and character of the area. This treescape is also providing a screening service to the directly adjacent school, something the current proposals are missing. None of the trees, either individually or collectively, meet the requirements to formally protect them by way of a Tree Preservation Order (TPO).

The National Design Guide includes a strong emphasis on tree lined streets and placement of trees in view of the public, here the proposals aim to remove trees from the highway facing front garden to create an access road leading to a loss of amenity along Lings Lane.

As part of the proposed mitigation measures the applicant seeks to plant 9 additional trees within the application site, retain existing hedgerows and plant ornamental shrubs. The resulting landscaping will help to soften the visual appearance of the development. However even with the additional landscaping the scheme still results in a significant reduction of trees on site, although it should be noted that they are not protected by way of Tree Preservation Order and their removal cannot be prevented.

With these circumstances in mind the applicant has agreed to a S106 Legal Agreement to provide for the payment for additional compensatory planting within the Borough on a 2-1 basis. The resulting payments equates to £39,204. This planting will be throughout the Borough within Highway verges and on public parks. The Council's Tree Officer has highlighted potential areas for additional planting within Wickersley, although the money itself could pay for planting throughout the Borough. In this instance the replacement planting is primarily required for biodiversity reasons as opposed to visual amenity impacts in this backland location.

As such, subject to the additional planting on site and the payment of £39,204 towards off site planting, the loss of the trees from the site is considered acceptable.

### Impact on Ecology

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 onsite 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;”

A number of objectors have raised concerns about the impact upon local wildlife from the loss of hedgerows and trees within the existing gardens, including bats, foxes, rabbits and hedgehogs and over twenty five bird species. The Council’s Tree Officer also notes that hedgerows can form an important habitat for hedgehogs etc and that back garden areas can also provide habitat for nesting birds etc and other wildlife.

With this in mind a condition has been attached requiring details of mitigation measures to encourage wildlife, such as bird and bat boxes. An informative has also been attached making the applicant aware of their requirement adhere to protective species legislation.

#### Impact on highways

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.”

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.

As referred to above the site is considered to be in a sustainable location close to adequate amenities and public transport links.

The revised layout has now been amended and the footway fronting Thornfield is to be increased in width to 2m so as to provide improved visibility. It is noted also that a streetlight is to be re-sited which will be carried out at the applicant’s expense. The dwellings all have two off street parking spaces as well as an integral garage, to provide adequate off street parking.

A condition has also been attached requiring electric charging points to each dwelling to encourage more sustainable transport options and to the benefit of local air quality.

An objector has noted that there would be an increase in traffic along Lings Lane which is narrow and not suitable for additional development. Lings Lane can accommodate two way traffic and the Council's Highways Officer does not consider that the additional traffic movements would be detrimental to highway safety in this location.

An objector has noted that there is a lack of a safe crossing on Morthen Road. This site is some distance from Morthen Road and would in itself not justify improvements to crossing facilities, though if one is required this could be looked at through any CIL funding process..

### General amenity

In respect of amenity, there is potential for some disamenity through noise and general disturbance during the construction phase on those residents living adjacent to the site on Lings Lane. However, by implementing appropriate industry standards in relation to hours of working, prevention of mud, dust etc. the impact will be minimal and for a limited period. The Council's standard working practices informative shall be imposed on the decision notice, informing the applicant of the potential fines through the Environmental Protection Act.

With regard to impact from the built development on neighbouring residents, Policy SP55 'Design Principles' states: "Proportionate to the scale, nature, location and sensitivity of development, regard will be had to the following when considering development proposals:

(g) the design and layout of buildings to enable sufficient daylight and sunlight to penetrate into and between buildings, and ensure that adjoining land or properties are protected from overshadowing."

The South Yorkshire Residential Design Guide states 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."

It is considered that the proposed dwellings would be sited a sufficient distance from the gardens and elevations of the properties which surround the site to the south and west. The proposals by virtue of their size, scale, form, design and siting, together with land levels and boundary treatment would not appear overbearing or oppressive when viewed from neighbouring properties, and would not result in the loss of direct sunlight / natural daylight that would cause significant overshadowing of the property or private amenity space.

In addition to the above, the floor area of each property would exceed the minimum internal floor space set out in both the South Yorkshire Residential Design Guide and the National Internal Space Standards. In respect of the private garden areas the South Yorkshire Residential Design Guide recommends a minimum 60sqm rear garden, which these dwellings exceed.

Wickersley Parish Council notes that the access to the site will be located in very close proximity to two existing properties causing unacceptable disturbance from vehicular movements associated with the 4 new dwellings. It should be noted that these two dwellings are looking to sell the land as part of the scheme and have not objected themselves. The coming and goings from four dwellings is not considered to cause excessive disturbance and it is noted that the gable ends to the properties facing the access road do not contain main habitable room windows.

An objector considers that there is a lack of adequate amenities such as doctors for future residents. The scheme is subject to the Community Infrastructure Levy which is based upon the floor area of the dwellings, which in this case will be a larger fee than average. The funding from such a levy goes towards local Infrastructure within Rotherham, such as school extensions, transport, local health facilities and open space. A small scale scheme of this size would not warrant an individual contribution to local GP facilities.

Having regard to the above the proposed development would comply with the relevant national and local design guidance and would raise no significant amenity issues.

## **Conclusion**

Having regard to the above it is concluded that the proposed development would represent an acceptable and appropriate form of development that would comply with the requirements and provisions set out in the relevant national and local planning policies and guidance. The application is therefore recommended for approval subject to conditions.

## **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Condition number 8 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 number 8 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.'

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) and in accordance with all approved documents.

(Amended Site Plan LL21 7 Rev A) (Received 27 May 2021)

(Plot Type A 2 Rev A) (Received 27 May 2021)

(Plot Type B 3 Rev A) (Received 27 May 2021)

(Plot Type C 4 Rev A) (Received 27 May 2021)

(Plot Type D 5) (Received 27 May 2021)

(Amended Landscape Plan LLW 04 Rev B) (Received 24 June 2021)

(Amended Tree Protection Plan LLW 03 Rev B) (Received 24 June 2021)

Reason

To define the permission and for the avoidance of doubt.

03

Prior to development above ground level details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to the Local Planning Authority or samples of the materials shall be left on site, and 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.

04

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained 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.

05

Road sections, constructional and drainage details, including for the proposed splayed entrance and widened footway to 2m fronting Thornfield (as indicated on Drg No 7 rev A) shall be submitted to and approved by the Local Planning Authority and the approved details implemented before any of the dwellings are occupied.

Reason

In order to ensure an adequate road and footway are installed in the interest of highway safety.

06

Prior to the occupation of each dwelling, details of one vehicle charging point per dwelling shall be submitted to and approved by the local planning authority. The dwelling shall not be occupied until the charging point has been provided and shall thereafter be retained.

Reason

In the interests of sustainable development and air quality.

07

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.

08

No work or storage on the site shall commence until all the trees/shrubs/hedges to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. This shall be positioned in accordance with drawing No. LLW 03 Rev B. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.



## Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity

09

No tree or hedgerow shall be cut down, uprooted or destroyed nor shall any tree or hedgerow be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work). If any tree or hedgerow is removed, uprooted or destroyed or dies, another tree or hedgerow shall be planted in the immediate area and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

## Reason

In the interests of the visual amenities of the area.

10

Landscaping of the site as shown on the approved plan (drawing no. LLW 04 Rev B) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

## Reason

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

11

Prior to above ground works a scheme for biodiversity enhancement, such as incorporation of permanent bat roosting feature(s) and or nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:

- i. Description, design or specification of the type of feature(s) or measure(s) to be undertaken.
- ii. Materials and construction to ensure long lifespan of the feature/measure
- iii. A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
- iv. When the features or measures will be installed and made available.

## Reason

To provide biodiversity enhancement on site in accordance with the NPPF.

**Informative(s)**

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.

03

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.

04

Please find take into consideration the additional Broadband Informative note enclosed with this approval.

05

The repositioning of the lamp post within the public highway will require consent from the Council's Streetpride Service.

**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.