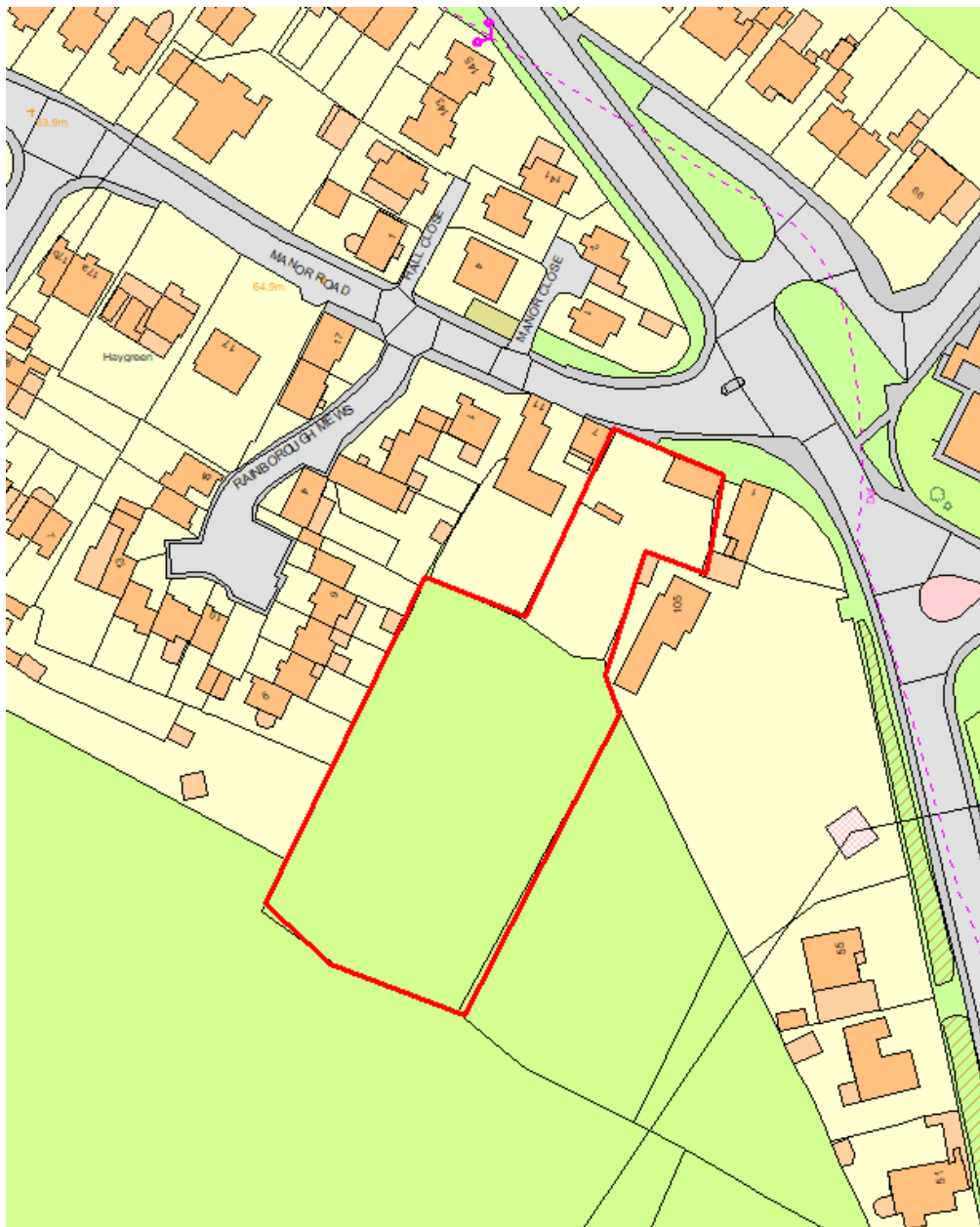


**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE 23<sup>RD</sup> SEPTEMBER 2021**

**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>RB2021/0309</b> <a href="https://rotherham.planportal.co.uk/?id=RB2021/0309">https://rotherham.planportal.co.uk/?id=RB2021/0309</a>
<b>Proposal and Location</b>	Erection of 8 No. dwellinghouses with associated parking, land adjacent 7 Manor Road, Brampton Bierlow
<b>Recommendation</b>	Grant subject to conditions

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



## **1. Site Description & Location**

The site comprises of land that lies on the southern side of Manor Road in Brampton Bierlow.

The site is approximately 0.34 Hectares in area with land levels generally flat across the site.

There is an existing vehicular access onto Manor Road immediately to the east of the property at no. 7.

The site does not lie within a known Flood Risk area.

To the south of the site was the Green Belt boundary, but this now comprises of Safeguarded land (SL7). This is land which is set aside in case it is needed for development in the long term. It is not available for development in the short term but there is long term development potential. The need to develop safeguarded land will be considered when the Local Plan is reviewed.

## **2. Background**

The site has the following previous history.

The site gained outline planning permission in 1994 and again in 1999 for residential development of the site. Neither application was implemented and both applications lapsed.

In 2019 a further application for outline application for 11 no. residential units was withdrawn.

In mid-2020 an application for outline application for 8 no. residential units was approved under RB2020/0323.

### Environmental Impact Assessment

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

## **3. Proposal**

The development is for a total of 8 no. new detached dwellings accessed from a single point of access from Manor Road to the north and ending in a cul-de-sac. The application was originally submitted for 9no. detached dwellings of much larger footprint. In consultation with the agent for the application amendments have been sought and the changes can be summarised as follows:

- Reduction in the number of units from 9no. to 8no.
- Reduction in the overall scale and size of the plots.
- Improvement to spacing standards to all plots.

- Re-configuration of plot 1 to create a property with a dual elevation as well as increased garden area.

The following documents have been submitted in support of the application and these can be summarised below:

#### Land Contamination Desktop Study

- Potentially contaminative historic land uses mapped within 250m of the site boundary have been identified as old brick works, clay works, railway sidings and a quarry from 83m to the South East.
- The EnviroInsight Report states that the site has a Negligible risk of Soluble Rocks, Compressible Ground, and Running Sands and a Very Low risk of natural ground subsidence, Landslides, Shrink Swell Clays and Collapsible Rocks.
- A qualitative risk assessment of the identified potential pathways of contamination to the site have been summarised:
  - Future Human Receptors –Moderate Risk
  - Construction Workers –Low Risk
  - Groundwater –Low Risk
  - Surface Water –Low Risk
  - New Buildings – Moderate Risk

#### **4. 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  
 CS21 Landscape  
 SP32 Green Infrastructure and Landscape  
 SP55 Design Principles  
 SP62 Safeguarding Community Facilities

#### **5. 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.

The design advice within the South Yorkshire Residential Design Guide (SYRDG) is also relevant.

## **6. Publicity**

The application has been advertised by way of individual neighbour notification letters to adjacent properties. A total of 8 objections have been received from individual addresses and these can be summarised as follows:

- The site is in close proximity to the junction of Manor Road and Brampton Road and the proposal is likely to increase the potential for accidents.
- Insufficient parking is available for the development.
- It is likely that future residents may have more than one car, in some cases more than two cars.
- Particular risk to local schoolchildren.
- The site is overdevelopment comprising of 9 units.
- Increased noise and disturbance.
- Concerns about overlooking and loss of privacy to the existing houses around the site.
- Negative impact on local wildlife.
- Increased risk of flooding.
- Loss of sunlight and natural daylight to the surrounding properties.
- Potential for ground contamination.

Three requests for the Rights to Speak have been received, two are from local residents, one is from the applicant.

## **7. Consultations**

Landscaping Officer – no objections subject to conditions

Transportation Infrastructure Service – no objections subject to conditions

Affordable Housing Officer – no Affordable Housing required

Environmental Health – no objections

Drainage – no objections subject to conditions

Yorkshire water – no objections

Ecologist – no objections

## **8. Appraisal**

The main considerations of the application are as follows:

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

### Principle of development

The site is allocated for residential purposes though it is not specially referenced site within the Sites and Policies document. The site has previously had outline permissions for residential development in the 1990s along with a new outline application for 8no. units approved in 2020.

It is considered that the principle of a residential development is acceptable in land use terms and has previously been established under outline application RB2020/0323. The main considerations will be the highway access, layout and design of the development which will be considered in more detail below.

### Design and layout

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

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

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

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

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

The proposal is considered to achieve an acceptable balance between efficient land use of the site, whilst safeguarding spacing standards and outside amenity areas. The layout provided is considered to potentially accommodate an acceptable mix of hard and soft landscaped areas with green buffers to of all the external site boundaries.

The properties are modern in terms of their design and are a mix of single and two storey. Plot 1 sits on the corner of Manor Road and the site entrance and has its main elevation facing the access in to the site. However, this is considered to be an important key location where the site is visible from both Packman Road and Manor Road and as such the applicant was requested to add fenestration to the elevation facing Manor Road. This amendment has been completed and it is considered that by including windows in the main elevation it will improve the appearance of the bungalow within the Manor Road street scene. In terms of the remainder of the development, this is a site where the views of the main part of the site will be limited from Manor Road and whilst it will be visible there are no overriding design features or character styles that limit the style of dwellings proposed. The proposed dwellings are relatively modern but comprise a mix of modern and more traditional materials and use large areas of glazing. The neighbouring development at Rainborough Mews is modern estate type housing and it is considered that the development is acceptable in terms of its appearance and architectural design. It is of a high quality and meets the Policy criterion set out in National and Local Policies.

However, due to the relatively limited spacing standards of the plots, it is considered necessary to withdraw permitted development rights across the site in order to maintain garden areas and protect the privacy and amenity of neighbouring properties. This is considered particularly important in this instance as the whole of the site comprises of detached plots which would have the potential to construct large extensions if Permitted Development rights are not restricted.

#### Impact on neighbouring amenity

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

Further to the above the NPPF at paragraph 127 states, in part, that planning decisions should ensure that developments *“create places that are safe,*

*inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”*

The proposed residential units show that all properties are a maximum of two storey in scale (with the exception of plots 1 and 2 which are single storey only) and are considered to be of a similar scale to the properties in the surroundings. The site is adjacent to existing. It is therefore considered that the proposal meets the guidance within policy SP55 Design Principles.

With regard to the impact of the proposal on the amenity of future residents of this development, it is noted that the South Yorkshire Residential Design Guide (SYRDG) provides minimum standards for internal spaces which includes 62sqm for 2 bed properties and 77sqm for 3 bed properties.

The revised plans show that the plots have an outlook of at least 10m and a minimum outlook of 21m first floor to first floor properties along 5-9 Rainborough Mews. Whilst it is acknowledged that the properties along Rainborough Mews and Manor Road have previously enjoyed an open aspect the proposed development meets the required minimum separation distances to these properties and as such it is not considered that the development would result in a materially unacceptable impact of overshadowing or loss of privacy.

Plots 1 and 2 are bungalows which will reduce the potential for overlooking to both the adjacent site to the east (for which a separate planning application has been approved for 3 dwellings RB2019/1996) as well as to the internal layout within this site. This meets the standards set in the SYRDG and is considered a sufficient distance to prevent any adjacent land from being sterilised or unfairly constrained from future development.

Having regard to all of the above and on balance, it is considered that the amended layout and design of the proposed dwellings would conform with the advice guidance set out in the SYRDG and paragraph 17 of the NPPF.

#### Highway Safety and Transportation Issues

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

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

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

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

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

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

In general, the site has reasonable access to public transport and local facilities, being within 60m of Brampton Road. The site is also within an established residential area.

In this case the amendments provided indicating improved visibility to the Manor Road Junction have now satisfied earlier concerns raised by the Transportation Unit. The swept path drawings also demonstrate that a bin lorry or other refuse vehicle could navigate both directions into and out of the proposed site junction at Manor Road in a single turning manoeuvre.

Taking all of the above into consideration, it is considered that this application has had regard to the principles approved as part of the outline permission and the proposed layout has been designed in accordance with the guidance set out in the South Yorkshire Residential Design Guide. For these reasons it is considered that the proposed development will not have a detrimental impact upon highway safety and the proposal complies with Policies CS14 and SP26 and guidance within the NPPF.



## Ecology Issues

The Council's Ecologist confirmed on previous applications that the site is not within a bat zone and did not consider a bat survey to be necessary.

The main part of the site comprises a field which appears to have been used for pasture in the past (an aerial photo dated 2009 appears to show several sheep present). There is a thicker hedge with hedgerow trees to the south and a narrower, discontinuous hedge to the west. The hedges provide some ecological value and the Ecologist would like to see this retained and enhanced, where possible.

The Ecologist also notes the reports of badgers, hedgehogs and natterjack toads by local residents. He went on to indicate that Natterjack toads will not be found in this location as this is a rare species mainly restricted to a few coastal sites in the UK, this is more likely to be a common toad. Badgers would appear to be unlikely given the intensive nature of the agricultural land within and adjacent to the site and the consequent lack of semi-natural habitat. Hedgehogs could be present and it may be best to mitigate for these by installing hedgehog gaps in fencing within the development.

Overall the Ecologist considered that it would not be justified to request an ecological survey. However, biodiversity enhancement such as planting native trees and shrubs and installing bird boxes should be considered.

## Flood Risk and drainage

The application site lies within a low risk (Zone 1) Flood Risk Zone and is not within a known surface water flood risk area.

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

*"Proposals will be supported which:*

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

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

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

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

*“The Council will expect proposals to:*

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

The Council’s Drainage Engineers have not raised any drainage or flooding issues which cannot be resolved. Accordingly it is considered that these issues can be secured via suitably worded conditions.

Likewise Yorkshire Water have raised no objections in terms of future sewerage and piped drainage, subject to standard conditions.

### Noise Issues

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

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

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

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

Environmental Health have not raised any specific concerns on noise issues or pollution grounds, subject to the standard recommended informative on hours of construction.

#### Affordable Housing and Planning Obligations

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

In this revised scheme the numbers of housing proposed is now 8 units which is below the threshold and does not now require the provision of any affordable housing or commuted sum.

The NHS as well as the Council's Education Team have confirmed that additional planning obligations would not be sought for this development on account of its limited scale.

Overall the proposal is considered to fully comply with Core Strategy Policy CS7 'Housing Mix and Affordability' as well as the advice within the NPPF.

#### Trees and Landscaping

The land is allocated as residential in the Local Plan with Safeguarded Land (SL7) to the south. There are no trees within the defined site area. There is a

mature hedge on the southern boundary of the site. This is intended to be retained during the development.

Overall, the Landscape Team have raised no objections in principle to the proposals for a small scale scheme such as this and do not require a detailed breakdown of species and location. No public landscaped areas are proposed on a limited site area and overall there are no objections from a landscaping or tree perspective, subject to a standard condition.

#### Other issues

The South Yorkshire Archaeology Service (SYAS) have previously indicated that the archaeological potential of this plot is likely to be low or negligible. No archaeological provision is required, should planning consent be granted.

The Environmental Health Unit have not raised any objections on ground conditions or land contamination issues.

### **9. Conclusion**

The principle of residential development on this site on a site allocated for residential in the Local Plan is considered to be acceptable. The layout of the site is considered to offer an acceptable balance between achieving an efficient use of the land available as recommended in the NPPF whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. No Affordable Housing provision is required.

Due to the restricted garden areas to all plots, it is necessary to restrict permitted development rights across the site to ensure that satisfactory amenity is retained.

There are no objections to the proposals from the Council's Transportation Unit.

The application site is not located within a recognised Flood Zone and it is considered that subject to conditions there are no concerns on flood risk grounds.

### **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 and as shown on the approved plans (as set out below)

(Drawing numbers Location plan and site plan 19-076 100 Rev D, floor plans, elevations 19-076 type A 101 Rev B, type B 102, type C 103 Rev A, type D 104 Rev A, type E 105 Rev A, garages 109 Rev A)(received 06/04/21, 07/07/21).

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

Prior to the development being brought into use, the developer shall submit to and have approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the occupation of the first dwelling.

Reason

In the interests of the visual amenity of the area and in accordance with Core Strategy Policy CS28 Sustainable Design.

05

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the new properties shall have no extensions or alterations otherwise Permitted under Part One Classes A, AA(enlargement of a dwellinghouse by construction of additional storeys), B and E shall be carried out to the approved development.

Reason

In the interests of the amenities of the occupiers of adjoining properties and in order to safeguard the amenity space available to the property in accordance with the SYRDG.

## Highways

06

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

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

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

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.

07

Before above ground development is commenced road sections, constructional 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.

08

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

### Reason

In order to promote sustainable transport choices.

09

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

### Reason

In order to reduce the potential disruption to the surrounding areas during construction and in the interests of road safety.

## Drainage

10

Prior to the commencement of any below ground drainage works the applicant shall submit 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, to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the construction details and shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

- No surcharging above soffit level during a 2 year event;
- No flooding of any part of the site during a 30 year event;
- During a 100year + climate change event, flooding may be accommodated on the surface if retained on site in areas such as car parks, roads or recreation areas if the site layout and topography allow. If such surface flooding is not practicable, attenuation features should be designed to accommodate this level of event;
- For larger events, the site layout should be designed so exceedance flows are routed away from buildings, and an exceedance plan will be required showing proposed internal and external ground levels and features affecting flow paths.

The calculated proposed impermeable area should be increased by 10% to allow for urban creep.

## Reason

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

11

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.

12

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:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

Other

13

Before the development is brought into use, a Landscape scheme, showing location and types of landscape treatment, shall be submitted for approval by the Local Planning Authority. The landscape scheme should make provision for the retention of the mature hedge along the southern boundary of the site. The Landscape scheme should be prepared in accordance with RMBC Landscape Design Guide (April 2014) and shall be implemented in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

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

14

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

Reason

In order to minimise the potential for disruption at unsociable hours to nearby residential properties during construction.

15

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 sustainable development and air quality.

16

Prior to the first occupation of the dwellings a scheme shall be submitted showing the location of bird boxes within the proposed development.



## Reason

In the interest of biodiversity gain and in accordance with the NPPF.

## Informatives

### Yorkshire Water

01

It is noted from the submitted planning application that surface water is proposed to be drained via the use of Sustainable Drainage Schemes (SuDS). The developer is strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board with regard to surface water disposal from the site.

As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required.

### Notes for the developer:

i) If the developer is looking to have new sewers included in a sewer adoption they should contact our Developer Services Team (telephone 0345 120 84 82, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

### Police ALO

02

South Yorkshire Police indicate that all rear boundaries should be at least 1.8m high to prevent access into rear gardens. All doorsets allowing direct access into the home and ground floor windows should be to the required standard for Secured by Design.

### Lighting

All external paths and car parking areas should be well lit with an LED lighting scheme and to standard BS5489 with no dark areas.

## 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>RB2021/0921</b> <a href="https://rotherham.planportal.co.uk/?id=RB2021/0921">https://rotherham.planportal.co.uk/?id=RB2021/0921</a>
<b>Proposal and Location</b>	Single storey extension to create 2 no. commercial units (Class E a/b/c) 115-117 Whitehill Road Brinsworth
<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 application site currently contains a small single storey shopping parade which includes a mixture of retail uses within 5 units containing a local convenience store, a café, a hair salon and a hot food takeaway. Vehicular access is taken off Whitehill Road and there is a car park at the front. There is a pub to the south east of the site – The Yorkshire Terrier, and there are residential properties to the rear on Sunnybank crescent, and opposite and to

the west on Whitehill Road. There is public footpath which runs from adjacent to the north western portion of the application site to the recreation ground beyond.

### **Background**

RB1984/1139 – Erection of a shopping precinct was granted conditionally on 05/03/1985.

Since this time there have been numerous applications to change the uses of individual units, and to alter the operational hours of the units.

Of particular relevance –

RB1992/1650 – Change of Use of shop to hot food takeaway was granted on 28/05/1993

RB1996/0036 – Change of Use of vacant shop to hot food takeaway was granted conditionally on 04/03/1996

RB2005/0917 – Change of Use to café and hot and cold food takeaway was granted on 01/07/2005

RB2006/1305 – Application to vary opening hours at hot food takeaway (RB1996/0036) was refused 12/10/2006

RB2010/0890 – Application to vary opening hours (RB1992/1650) was refused on 06/09/2010

### **Proposal**

The application was originally submitted seeking permission for “an extension to the existing retail facilities to create 1 no. commercial unit class E (a,b,c) and 1 no. commercial unit class E (a,b,c)/hot food takeaway (Sui Generis)”.

Through the application process this has been amended and the application now seeks permission for the “a single storey extension to create 2 no. commercial units (Class E a/b/c)”

In accordance with the Use Classes Order below are the uses that planning permission is now sought for –

*“Class E - Commercial, Business and Service*

- **E(a)** Display or retail sale of goods, other than hot food
- **E(b)** Sale of food and drink for consumption (mostly) on the premises
- **E(c)** Provision of:
  - **E(c)(i)** Financial services,
  - **E(c)(ii)** Professional services (other than health or medical services), or
  - **E(c)(iii)** Other appropriate services in a commercial, business or service locality”

The proposal is for the existing shopping parade to be extended in an L shape, with the 2 new units facing east. Each unit will measure 47sqm. The proposed extension is to be single storey with a pitched roof to match the roof of the existing shopping parade. They will be served from the existing car park to the front of the units.

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

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

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

Local Plan policy(s):

CS3 Location of new development

CS12 Managing change in Rotherham's retail and service centres

CS25 Dealing with Flood Risk

CS28 Sustainable Design

SP11 Development in Residential Areas

SP23 Out-of-Centre Retail Parks and Other Out of Centre Developments

SP55 Design Principles

SP56 Car Parking Layout

SP59 Shop Front Design

### **Other Material Considerations**

National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It sits within the planned 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.

The following Supplementary Planning Documents were adopted in 2020 and are relevant to the proposal –

SPD2 Air Quality and Emissions

SPD6 Shop Front Design Guide

SPD7 Town Centre Uses & Developments

## Publicity

The application has been advertised by way of individual letters to neighbouring properties. Letters were originally sent out, however some properties to the rear of the site were missed out and so did not receive a letter. This was rectified and neighbour notification letters were sent to all adjoining properties. Due to the number of objections this application is being presented to Planning Board Members, and all neighbours and objectors have been re-notified of this, as well as the amended description on 10<sup>th</sup> August 2021.

8 objections have been received in total, 6 from neighbouring properties, one from Brinsworth Parish Council and 1 with no address details included. The objections are summarised below –

- Disruption from building works
- Increased litter
- Increased smells from the hot food takeaway
- Increase noise
- Vermin will be attracted to the area due to hot food takeaway takeaway litter
- Disturbance from increased traffic
- Nuisance from teenagers/anti social behaviour
- There is no demand for another hot food takeaway
- Lighting may cause a nuisance
- Ongoing dispute regarding land ownership and access over land where the extension is shown to be built The application should not be determined until this dispute has been resolved.
- The proposal is out of scale with the streetscene and will block light to surrounding properties.
- The proposal would reduce access to the playing fields, and restrict emergency access and access for the council.

Brinsworth Parish Council have made the following comments –

- The Parish Council have had vehicular access to the playing fields for many years, and have allowed residents who back onto it the same option. Fencing that the applicant has recently erected has prevented this from happening. There is a concern that the application would stop access to the playing fields and housing in an emergency.
- There is currently a lot of litter in the area and another takeaway could increase this.

Two Members of the Public and the applicants agent have requested the Right to Speak at the Planning Board Meeting.

## Consultations

RMBC - Transportation Infrastructure Service – No objections

RMBC – Drainage – No objection subject to relevant planning condition

RMBC - Environmental Health – No objections subject to relevant conditions

## Appraisal

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

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

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

The main considerations in the determination of the application are:

- The principle of the development
- Transportation issues and access
- Design layout and scale
- Drainage and flood risk issues
- General amenity issues
- Other issues raised by objectors

### The principle of the development

The application site is allocated for residential use in the Local Plan and as such policy SP11 'Development in Residential Areas' is relevant. This states that –

*“Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.*

*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.”*

In this respect it is considered that the proposed extension to the existing parade of shops is ancillary and complimentary to the surrounding community providing local services and amenities and so complying with paragraph a. The proposed units are considered to be in keeping and in scale with the existing shops and surrounding area in accordance with paragraph b. In relation to any impacts on residential amenity identified by paragraph c, this is discussed further down in the report. The applicant has stated in the Planning Statement that the additional facilities in walking distance of the local community will be beneficial to the health and well-being of the local community in accordance with paragraph d.

As the application is for town centre uses out of an allocated centre policy CS12 ‘Managing change in Rotherham’s retail and service centres’ is relevant. This policy aims to locate town centre uses to the most appropriate centres having regard to the type and scale of the development proposed. It states that -

*“The Sequential Approach*

*Proposals for town centre uses on the edge of or outside of designated centres will only be permitted where it can be demonstrated that:*

- a. sites within and then on the edge of town, district or local centres have been assessed and it can be demonstrated that they are not available, suitable or viable for the proposed development, and then*
- b. In the case of bulky goods floorspace, the availability, suitability and viability of vacant premises in retail parks to accommodate the proposed development has been assessed.”*

Additionally Policy SP23 ‘Out-of-Centre Retail Parks and Other Out-of-Centre Developments’ states that *“Planning permission for the expansion of existing out-of-centre facilities or new out-of-centre retail development will not be supported unless the proposal satisfies the requirements of Core Strategy Policy CS 12 ‘Managing Change in Rotherham’s Retail and Service Centres’.*

*The Council will seek to ensure that development of main town centre uses (as defined in national planning policy) in out-of-centre locations remains complementary to defined centres by mitigating the impact of any development. This will be achieved by imposing appropriate conditions including on the use of land and premises, the scale of development, the sub-division of units, and the goods that can be sold from any retail outlet”*

As this proposal is in an out of centre location it has been supported by a Sequential Assessment. The scope of the assessment was agreed with Rotherham Metropolitan Borough Council and the catchment area for the assessment focuses solely on Brinsworth Local Centre.

For the purposes of the assessment, units or sites with potential floorspace +/- 20% of the proposed application floorspace have been considered as potential alternative sites. This results in a minimum floorspace threshold of 76sqm and an upper maximum floorspace threshold of 112sqm. The assessment confirmed that there were no vacant commercial units in the Brinsworth Local Centre, nor were any units being marketed for sale or rental purposes. An online search also confirmed this to be the case, and the assessment therefore demonstrates that there are no suitable, available or viable alternative sites within Brinsworth Local Centre.

The application as originally submitted also sought permission for one unit to be used as a hot food takeaway. Supplementary Planning Document 5 Equal and Healthy Communities states that planning permission will not be approved for such uses where the site is located within 800m of a school. In this instance the site is located within 800m of 3 schools and as such a hot food takeaway is unacceptable. In response to this the applicant removed the hot food takeaway element from the application.

The assessment is considered to acceptable, and it is therefore considered that the requirements of policy CS12 and SP23 have been satisfied.

#### Transportation issues

Policy SP56 'Car Parking Layout' states that "*In terms of car parking, layouts must be designed to:*

- a. reduce the visual impacts of parking on the street-scene and provide defined visitor parking on-street;*
- b. discourage the obstruction of footways by kerb parking, and parking that compromises the operation of the highway;"*

The Councils Transportation Officer has been consulted on the application and he notes that the site is centrally located will predominantly serve the local community and raises no objections to the proposed access or car parking layout, which provides for 1 additional car parking space.

Public Footpath Brinsworth F.4 skirts the north west corner of the site, and as such the Councils Rights of Way Officer has been consulted. It appears that the footpath would be unaffected by the proposal and therefore there are no objections.

It is therefore considered that the proposal is acceptable from a transportation aspect.



## Design, layout and scale

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

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

SP Policy SP59 'Shop Front Design' states that "The Council will seek the highest standards in the control of shop frontage by requiring new or replacement shop fronts to be designed so that:

- a. they respect the character of the whole building and the overall character of the street scene;
- b. they respect the period and style of the building in terms of proportion and quality of materials and relate well to neighbouring properties;
- d. security precautions give protection against burglary and vandalism whilst respecting amenity and public safety;
- e. where shutters are required, their design and location do not obstruct any architectural features on the building or have an adverse environmental impact, and any external shutters are perforated and painted with the shutter box sited behind the fascia"

The proposal is for an extension to the existing parade of shops along the north western elevation of the site. The scale and external appearance of the proposed development reflects that of the existing building in terms of scale, design and materials and helps to provide a sense of enclosure. Additionally, the proposed shop fronts are consistent in scale with the existing ones and are considered appropriate.

An objection has been received regarding the scale of the proposal, stating that it would block out light to surrounding properties. The closest residential property to the extension is 113 Whitehill Road which is situated approximately 12m to the north west of the extension, other nearby houses are located 20m to the east of the extension on Sunnybank Road. As the proposal is single storey only, its height, location, scale and massing are considered appropriate, and the extension is unlikely to have any significant impact on residential amenity of neighbouring occupiers by loss of light or by being of an overbearing nature.

The proposal is therefore considered to be in accordance with Policies CS28, SP55 and SP59.

### Drainage and Flood Risk issues

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

The Councils Drainage Engineers have been consulted on the planning application. Whilst they have no objections to the proposal in principle, they note that there could be a localised flood risk to the proposed and existing buildings due to cutting off a potential flow path from the car park, as it drains down towards the shops. In the event of the drainage in this location being overwhelmed or blocked the water is currently able to flow around the end of the building. This route would be cut off unless the external ground levels are maintained at a lower level around the new extension. This could possibly leave the shops susceptible to localised surface water flooding.

Notwithstanding the above they also note that there is no predicted flood risk according to the Environment Agency's flood maps, and that it could just be caused by surface water landing on the car park area. For this reason it is recommended that if planning permission is granted a condition is attached requiring the submission of a flood route drawing. On this basis there is no objection to the proposal from a drainage aspect and the proposal complies with policy CS25.

### General Amenity Issues

Policy CS27 'Community Health and Safety' states, in part, that: "*Development will be supported which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities. Development should seek to contribute towards reducing pollution and not result in pollution or hazards which may prejudice the health and safety of communities or their environments. Appropriate mitigation measures may be required to enable development. When the opportunity arises remedial measures will be taken to address existing problems of land contamination, land stability or air quality.*"

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

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.*
- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise*

*Assessment will be required to enable clear decision-making on any planning application.*

*c. the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality Management Areas and meeting the aims and objectives of the Air Quality Action Plan.*

*d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.*

*e. The impact of artificial lighting. Artificial lighting has the potential to cause unacceptable light pollution in the form of sky-glow, glare or intrusion onto other property and land. Development proposals should ensure that adequate and reasonable controls to protect dwellings and other sensitive property, the rural night-sky, observatories, road-users, and designated sites for conservation of biodiversity or protected species are included within the proposals.”*

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

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

*b. ensure necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;*

*c. demonstrate that adverse ground conditions have been properly identified and safely treated;*

*d. clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use.”*

The Council’s Environmental Health Officer has been consulted on the application and notes that the site is close by residential properties, and therefore the construction period has the potential to generate noise and dust. In this respect it is recommended that informatives are attached to any permission to outline best practice and details of statutory nuisance under the Environmental Protection Act 1990.

Objections have been received regarding the potential for the operational phase of the development to increased levels of noise at the site from traffic. The car park area is not to be increased in size, and it is not considered likely that the addition of two units would attract a significant amount of additional journeys, especially due to the site location within a residential area which will encourage many customers to visit on foot.

Additionally, issues regarding odours from cooking have been raised by objectors. Whilst the hot food takeaway element has been removed, the uses applied for could still include a sale of food and drink for consumption on the premises, and therefore it is recommended that a condition is attached to any

permission requiring the details of any future extraction/filtration systems to be approved.

The application seeks the following hours of operation 07:00 to 19:00 everyday. The Environmental Health Officer has looked at this matter, and has taken into consideration previous refusals for extensions of opening hours at the existing retail units. Previous requests were for the existing units to be open longer than sought within this planning application. The Environmental Health Officer has confirmed that the opening hours sought in this application are considered acceptable in terms of any significant impacts on the residential amenity of surrounding occupiers.

In terms of Air Quality, the site is within an Air Quality Management Area and as such an Air Quality Assessment has been submitted in support of the application. The Council's Air Quality Officer has been consulted on the application and has noted that given the location and scale of the development it is unlikely to have any adverse impact on local air quality, and as such the proposal is considered acceptable.

An objection has been received regarding the potential for lighting to cause an adverse impact to residential amenity of adjacent residents. For this reason it is recommended that a condition is attached to ensure that all new lighting is shielded and angled away from adjoining premises.

#### Other issues raised by objectors

Objections have been received regarding the creation of increased amounts of litter and vermin that may be attracted. With regards to the litter, the application includes the provision of a litter bin on the application site which will be provided to mitigate this issue. The proposed units will use the existing refuse bins which are located to the rear of the existing units. In relation to increased vermin, there is no reason to assume that two new shop units would attract vermin, and in the event this would happen on any site it would be dealt with via other measures, not via a planning permission.

It is noted that many of the objections raised by residents related to the hot food takeaway element of the original proposal which has now been removed from the scheme.

An issue regarding land ownership and rights of access within the application site has been raised by neighbours and Brinsworth Parish Council. It is stated that there is a current legal dispute which has been ongoing since 2019, and that this planning application should not be determined until this dispute has been resolved.

The applicant has completed Ownership Certificate A on the application form which states that he is the owner of the application site, and the extension is shown to be wholly within the application site. The land ownership/right of access issue is outside of the planning process and is not a material planning consideration to be taken into consideration when assessing this application.

For this reason the determination of this application cannot be delayed in relation to the ongoing dispute which is a civil matter.

## **Conclusion**

The proposal for an extension to this local shopping parade in a residential area has satisfied the Sequential Test required and is considered to be appropriate on the site. Conditions can be attached to any permission to ensure that the proposal is appropriate in terms of use, hours of operation and to protect the residential amenity of neighbouring residents and the visual amenity of the area. There are no objections raised in terms of Transportation or drainage.

The ongoing ownership/access dispute is not a material planning consideration so cannot be taken into consideration when determining this application.

Taking into consideration the above it is recommended that planning permission is granted conditionally.

## **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 and as shown on the approved plans (as set out below)

- Existing Plans and Elevations Ref 01
- Proposed Floor Plans & Elevations Ref 02 Rev A

Reason

To define the permission and for the avoidance of doubt.

03

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

Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Reason

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

04

The development shall not be brought into use until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before prior to first occupation.

Reason

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

05

The units hereby approved shall be used for uses falling within Use Class E (a, b & c) 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 as amended).

Reason

The acceptability of the premises has not been considered for other use within the Class quoted as part of this application.

06

The use hereby permitted shall only be open to customers or for deliveries between the hours of 07:00 to 19:00.

Reason

In the interests of the amenities of the occupiers of nearby dwellings and in accordance with Local Plan Policies.

07

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

Reason

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

08

Prior to the commencement of any above ground development a flood route drawing shall be submitted to and approved by the Local Planning Authority. The drawing shall demonstrate 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

09

Prior to the first occupation of the units hereby approved, details of the siting of a litter bin to the forecourt of the units and arrangements for emptying shall be submitted to and approved in writing by Local Planning Authority. The approved details shall be implemented prior to the first occupation of the unit.

Reason

In the interests of visual amenity and to reduce the problem of litter and in accordance with Local Plan Policy.

10

Any external lighting erected at the site shall be shielded and angled away from adjoining properties.

Reason

So not to cause any light nuisance in the interest of neighbouring residential amenity and in accordance with Local Plan Policies.

11

All cooking fumes shall be exhausted from the building via a suitable extraction and/or filtration system. This shall include discharges at a point not less than one metre above the highest point of the ridge of the building or any such position as may be agreed in writing by the Local Planning Authority prior to the commencement of above ground development. The extraction/filtration system shall be maintained and operated in accordance with the manufacturer's specifications, details of which shall be submitted to and approved by the Local Planning Authority prior to installation and it shall thereafter be operated effectively during cooking.

Reason

So as to ensure correct dispersion of cooking odours to avoid disamenity to the locality and in accordance with Local Plan Policies.

Informatives

01

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990 .Failure to comply with the requirements of an Abatement Notice may result in a fine of

up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

02

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

03

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).

04

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.

05

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.

06

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

#### POSITIVE AND PROACTIVE STATEMENT

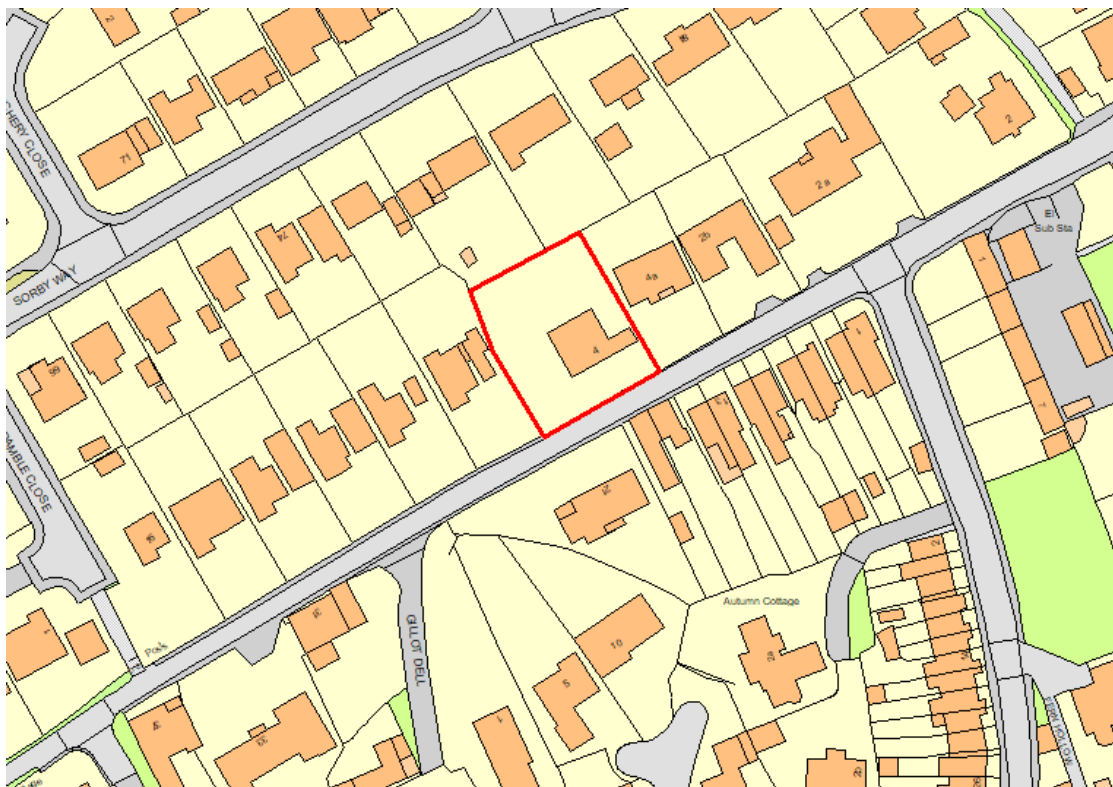
The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these



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>RB2021/1370</b> <a href="https://rotherham.planportal.co.uk/?id=RB2021/1370">https://rotherham.planportal.co.uk/?id=RB2021/1370</a>
<b>Proposal and Location</b>	Demolition of existing unlisted detached bungalow and part of front wall in Wickersley Conservation Area and erection of 1 no. dwellinghouse and new front wall at 4 Gillott Lane, Wickersley
<b>Recommendation</b>	Grant subject to conditions

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



### Site Description & Location

The application site is located on Gillott Lane, which is a narrow estate road within the village of Wickersley. The site contains a detached bungalow with extensive garden. The front of the site is bounded by a stone wall which is at the back of the footpath. The existing property sits approximately 7m back from the road and towards the western boundary. There are several mature trees in and around the site boundaries.

There are residential properties surrounding the site with no. 4a Gillott Lane to the west, and 6 Gillott Lane to the east. Properties on Sorby Way are to the north with properties on the other side of Gillott Lane to the south.

## **Background**

There has been one previous planning application relating to this dwelling:

RB2013/0331 – Conservation Area Consent for partial demolition of boundary wall – Granted

## **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 current application is seeking permission for the demolition of an existing unlisted detached bungalow and part of the unlisted front wall within Wickersley Conservation Area & the erection of 1 No. dwellinghouse and new front wall.

The replacement dwelling will be two-storey in form with two gable elements set forward, but on the same building line as the existing dwelling. There would be a single-storey attached double garage to the western side with a room in the roofspace with dormer window to front and back. A hardstanding area would be created to the side and rear of the property adjacent its eastern boundary

It is intended to retain the existing stone (cleaned -up) and re-use to the front and some areas to the sides, the remaining building will be in a mixture of render and timber cladding.

The proposals involve creating a new vehicular access to Gillott Lane by removing a section of the front wall and then using the stone to fill in the existing access further along Gillott Lane. The wall's alignment will not be altered.

A Tree Survey has been submitted in support of the application. The survey confirms that there are 15 individual trees and 2 groups of hedgerows are on site or within close proximity to the boundary. The survey also confirms that 4 of these trees will have to be felled to facilitate the development, which includes a sycamore, two hawthorns and a birch all of which are category 'C' trees. It notes that the site provides an excellent opportunity for a new planting scheme to mitigate for their loss and that existing trees will be adequately protected during the construction phase.

## **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 allocated for residential purposes in the Local Plan and falls within Wickersley Conservation Area. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS21 'Landscapes'  
CS23 'Valuing the Historic Environment'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
CS33 'Presumption in Favour of Sustainable Development'  
SP12 'Development on Residential Gardens'  
SP26 'Sustainable Transport for Development'  
SP41 'Conservation Areas'  
SP52 'Pollution Control'  
SP55 'Design Principles'  
SP64 'Access to Community Facilities'

### **Other Material Considerations**

The NPPF as revised 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

South Yorkshire Residential Design Guide

Rotherham's adopted Supplementary Planning Documents

- Air Quality and Emissions

### **Publicity**

The application has been advertised by way of press and site notice along with individual neighbour notification letters to adjacent properties. A further neighbour letter was issued on receipt of amended plans.

5 letters of representation have been received from individual addresses in total to the proposals and 1 from the Parish Council.

The issues raised can be summarised below:

- The property will have an adverse impact on my dwelling opposite.
- The proposed dwelling does not follow the building line.
- The height of the property is excessive and will result in my property opposite being overlooked.
- The proposal will impact on highway safety.
- The proposal will result in the loss of a birch tree.
- The proposal is out of character with the area.
- It will be significantly larger than what it replaces and have a significant impact on our property next door.
- It will have an adverse effect on light entering our downstairs windows on the front and create an unacceptable outlook.
- The alteration of the drive to the opposite side of the boundary of the property will cause difficulties for the existing tenants of the terraced houses on the lane, who have no alternative but to park on the road outside their homes.
- The boundary of No 4 is at the narrowest part of the lane. There are already considerable difficulties for large delivery vehicles accessing the lane due to on road parking.
- We are concerned that existing tenants may be forced to park further down the lane; away from their homes; and this will have a knock on effect for other residents of Gillott Lane gaining access to their driveways.

The issues raised by the Parish Council are:

- The scale, height and positioning of a large two storey dwelling in front of the general building line on the north side of Gillott Lane will result in an obtrusive and overly dominant development within the street scene and as seen from the residential properties on the opposite side of this narrow lane. Whilst the existing bungalow is also located forward of the general building line, a large two storey building of a greater height than its neighbours will be much more imposing and dominant in the street scene than the existing single storey bungalow.
- The property is located within Wickersley Conservation Area where it is the policy for all new developments to ensure the preservation and enhancement of its special architectural and historic character. It is considered that the proposed development will harm the character of the conservation area due to its inappropriate scale, height and positioning.
- The proposed development will have an adverse impact on the amenities enjoyed by the residents of 4A Gillott Lane. The erection of a two storey property close to the boundary and forward of the neighbouring property will result in an unacceptable outlook and loss of sunlight and daylight enjoyed by the occupants of No 4A.

- The proposed development will also directly overlook residential properties on the opposite side of Gillott Lane and result in loss of privacy enjoyed by the residents of those properties, especially No's 17/19 Gillott Lane which are located at the back edge of pavement with habitable room windows in the front elevation.
- The proposed development will result in the unacceptable loss of a large birch tree located at the front of the application site and which makes a valuable amenity contribution to the street scene and conservation area.

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

### **Consultations**

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

RMBC – Tree Service: No objections subject to conditions.

RMBC – Environmental Health: No objections subject to standard working practices during construction.

Severn Trent: No comments received.

### **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 with the determination of the application are considered to be:

- Principle
- Design Considerations and Impact on Conservation Area
- General Amenity
- Removal of wall
- Highways
- Trees

## Principle

The application is seeking permission for the demolition of an existing dwelling and the construction of a replacement detached dwelling. As the development is a replacement dwelling in an area allocated for residential purposes, the principle of the development is acceptable.

Further to the above, 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'.

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 remainder of this report will assess whether the proposal conflicts with the Council's adopted Local Plan or whether the proposal can be approved "*without delay*".

## Design considerations and impact on Conservation 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 126 states: "*The creation of high quality, beautiful and sustainable 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 of the NPPF 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.

Policy CS23 'Valuing the Historic Environment' and SP41 'Conservation Areas' require developments in Conservation Areas to conserve and enhance its setting and historic significance.

With regard to the loss of the existing bungalow, it is acknowledged that whilst the existing bungalow is constructed from natural stone, it does not have any architectural qualities that would warrant its retention and as such does not currently contribute to the character or appearance of the conservation area. The main consideration therefore falls to the scale, siting and external appearance of any new dwellinghouse.

In this regard, Gillott Lane consists of a wide variety of dwelling houses, ranging from 2 storey stone properties to bungalows and red brick terraced houses. The street pattern is also varied with no uniformed building line. The existing no. 4 Gillott Lane is forward of neighbouring properties and on the opposite side, no 19 Gillott Lane is on the back edge of the footpath, with the neighbouring bungalow set back and the neighbouring two-storey dwellings on another building. Furthermore, there is no single architectural style established in this location.

The site plan shows the proposed dwelling in a similar location within the plot to the existing, albeit the footprint is larger and extends further towards the south western boundary. Nevertheless, the plot is a reasonable size, and it is considered that the siting and footprint of the dwelling to be acceptable as it will not come within 45 degrees of neighbouring windows or constitute overdevelopment.

With regard to the scale, massing and design of the proposed dwelling, as detailed above there is a wide variety of dwellinghouses on this street and within the wider local area. Accordingly, whilst the building proposed is larger than the one it replaces and is slightly higher than the neighbouring property at 4a Gillott Lane, it would not introduce an incongruous feature into the streetscene and would not adversely affect the character of the Wickersley Conservation Area in this location.

A front gable projection is proposed within the main body of the house and a dormer window above what is to be a garage. These features are considered to be acceptable, given similar features exist in the properties immediately to the west.

Furthermore, the use of stone from the original dwelling for the front elevation and the use of a mix of render and timber clad will provide a suitable mix of materials.

In light of the above, it is considered that the demolition of the existing dwelling would not have an adverse effect on the Conservation Area, in

addition proposed dwelling can be accommodated on this site and would not have an adverse impact on the Conservation Area. As such the scheme would be in accordance with the guidance set out in both local and national planning policies and guidance, referred to above and raises no significant design issues or concerns regarding the impact on the Conservation Area.

### General Amenity

Paragraph 130(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.

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...*" 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 the 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*

As with any development there is potential for dust and noise disturbance during the construction phase. However, it is considered that best practicable means shall be employed to minimise these impacts, and should any disturbance occur this can be dealt with under the Environmental Protection Act.

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

The South Yorkshire Residential Design Guide sets out guidance on appropriate spacing standards for dwellings, as well as guidance on amenity provision. The Council's recently adopted SPD 'Householder Design Guide' will also be relevant in this instance, in assessing the impact of the development in respect of overshadowing and outlook.

With regard to the siting of the dwelling whilst it would be sited closer to the western boundary and closer to 4a Gillott Lane, the nearest section is a single-storey element with rooms in the roofspace, furthermore, the siting of the dwelling would be on the same building line as the existing and no part would come beyond a 45 degree horizontal sight line from the front of 4a



Gillott Lane. Therefore, the proposed dwelling would not affect the outlook from 4a Gillott Lane and would not appear overbearing or oppressive when viewed from within 4a Gillott Lane.

In addition to the above given the size, scale, form, design and siting of the dwelling there would no impact on other dwellings which surround the site. This is due to the fact that there is approximately 14 metres from the rear elevation of the main house to the rear boundary and the proposed dwelling would not project beyond the rear of the two neighbouring properties either side. The proposed dwelling would therefore not give rise to any overlooking or privacy issues and would not result in a loss of natural daylight or direct sunlight to neighbouring properties.

In respect of the property's opposite on the other side of Gillott Lane it is noted that no. 19 Gillott Lane is sited directly at the back of the footpath. No. 19 has some small windows on the elevation that fronts directly onto the footpath on the opposite side of the road to the application site, whereas no. 21 is a bungalow which is set back from the road.

The proposed dwelling would be 8m back from the boundary with Gillott Lane and would be sited 13m from the front elevation of no. 19 Gillott Lane and approximately 22m from the front of no. 21 Gillott Lane.

With regard to no. 19 and the impact of the proposed dwelling, it is considered that whilst the dwellings would be in close proximity, there would be sufficient distance in this instance, due to the fact that a 45 vertical sight line measured from the centre of the windows in no. 19 would clear the ridge height of the proposed property. This is in line with the guidance set out in the South Yorkshire Residential Design Guide. Furthermore, the front elevation eaves height of the proposed dwelling would be lower than the ridge line of the existing bungalow, and by including a hipped roof form it would reduce the impact of the proposal on the adjacent property and the front elevation of the proposed dwelling would be no nearer than the existing bungalow. In addition, the windows in no. 19 are very small compared to modern standards are whilst this cannot be confirmed they appear to be secondary windows. Notwithstanding this, regardless of whether they are primary or secondary windows, for the reasons set out above the proposed dwelling would not appear overbearing or oppressive when viewed from no. 19.

It is considered that in respect of the impact on no. 21 Gillott Lane the proposal raises no issues and would be sited a sufficient distance from no. 21 to not impact on outlook or appear overbearing or oppressive. Furthermore, the proposed dwelling would not be sited directly in front of no. 21.

In addition, due to the proposed property being to the north of no.s 19 and 21 Gillott Lane, the proposal would not give rise to any overshadowing of front windows in either property.

It is noted that the dwelling is proposed to have a balcony at first floor. This is set within the rear gable of the property, ensuring minimal views to the side

over the other properties on Gillott Lane. In addition, there would be approximately 14m to the rear boundary of the site with properties on Sorby Way to the North.

Notwithstanding the issues raised by local residents, it is considered that for the reasons set out above, the proposals are considered to comply with the guidance set out in the South Yorkshire Residential Design Guide, the Council's adopted SPD 'Householder Design Guide' and the NPPF.

### Removal of Front Boundary Wall

Paragraph 197 of the NPPF states: *"In determining applications, local planning authorities should take account of:*

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

Paragraph 201 of the NPPF state: *"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss..."*

This proposal involves the removal of approximately 5 metres of the existing stone boundary wall in order to facilitate a new access for the proposed dwelling.

It is considered that walls can contribute to the character of a Conservation Area. However, the loss of the wall in this instance would not result in noticeable harm to the character or appearance of the Conservation Area, this is due to the fact that the stonework will be used to block up the current access further along Gillott Lane. It is considered that the new access would not result in significant noticeable harm to the character or appearance of the Wickersley Conservation Area and as such it would not be in conflict with relevant national and local planning policies outlined above.

### Highways

In respect of highways the on-site car parking complies with the Council's minimum standards and no issues have been raised regarding the access. This being the case, there are no highway issues with the proposal.

The issues raised about highway safety are noted but this is a replacement dwelling, which has more than sufficient in-curtilage parking and as such the

impact on highway safety and vehicular movements will be no different to the current situation.

Further to the above and in line with the Council's adopted Supplementary Planning Document there will be a requirement to provide infrastructure for an EV charging point within the site and this will be secured via a condition.

### Trees

The Council's Tree Service have indicated that they have no objections to the felling of the four trees set out in the Tree Survey submitted in support of this application.

However, the Tree Service have indicated that they can foresee conflict between the demolition and construction activities on site with the existing and retained trees.

The Tree Service would like to see an Arboricultural Method Statement (AMS), detailing tree protection methods to ensure the safe retention of the trees from the demolition and construction related activities. The Tree Service have confirmed that this can form part of a pre-commencement condition that will need to be submitted prior to any works (including demolition) taking place.

Having regard to the above, the proposed development subject to conditions will raise no concerns in respect of the tree loss and as such the issues raised by the objectors in respect of the loss of trees, is noted but they would not justify a refusal in this instance.

### Other Considerations

The issues raised by neighbouring residents and the Parish Council in respect of the size, scale, form, design and siting of the dwelling, its impact on the character of the streetscene and Conservation area, its impact on the amenity of neighbouring residents and on trees have been considered in the report, and on balance it is considered that the proposal would be in compliance with relevant national and local planning policies and guidance and the issues raised would therefore not justify a refusal of planning permission in this instance.

Further to the above, the four South Yorkshire Authorities have committed to ensuring that relevant developments are provided with Gigabit-capable full fibre broadband. A standard informative will advise on this matter.

### **Conclusion**

It is considered that on balance the proposal provides an adequately designed dwelling that would not introduce an incongruous feature into the streetscene or Conservation Area and would be provided with appropriate amenity provision and parking / manoeuvring space. The dwelling is not considered to

impact on the residential amenity of the neighbouring properties and the proposal would also have no impact on the highway network, while tree loss can be mitigated. As such, the proposal is in compliance with an up-to-date development plan, and as set out in the NPPF at paragraph 11 the application should be approved without delay. Therefore, the application is 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. Conditions numbered 08 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 08 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 and as shown on the approved plans (as set out below)

Location Plan, received 8 July 2021

2021-52-1B, received 13 August 2021

2021-52-2, received 8 July 2021

2021-52-3, received 8 July 2021

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing no. 2021-52-3. The development shall thereafter be carried out in accordance with these details.

Reason

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

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

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

Reason

In the interests of road safety.

06

Prior to the occupation of the dwelling, details of one vehicle charging point 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 maintained and 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 operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees and hedgerows has been submitted and its installation on site has been approved in writing by the Local Planning Authority.

All protection measures must fully detail each phase of the development process taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

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

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site, unless the prior approval of the Local Planning Authority has first been sought and obtained.

\*Using the most recent revision the of the Standard

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

#### Reason

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

#### Informatives

01

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

02

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

Furthermore, work should be undertaken outside of the bird breeding season, March to September inclusive. If any work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present, work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

03

The onus is on the applicant to employ a suitably qualified, experienced and insured arborist or arboricultural consultant to carry out the approved works.

04

The four South Yorkshire Authorities have committed to ensuring that relevant developments are provided with Gigabit-capable full fibre broadband. Please refer to the attached informative in this respect.

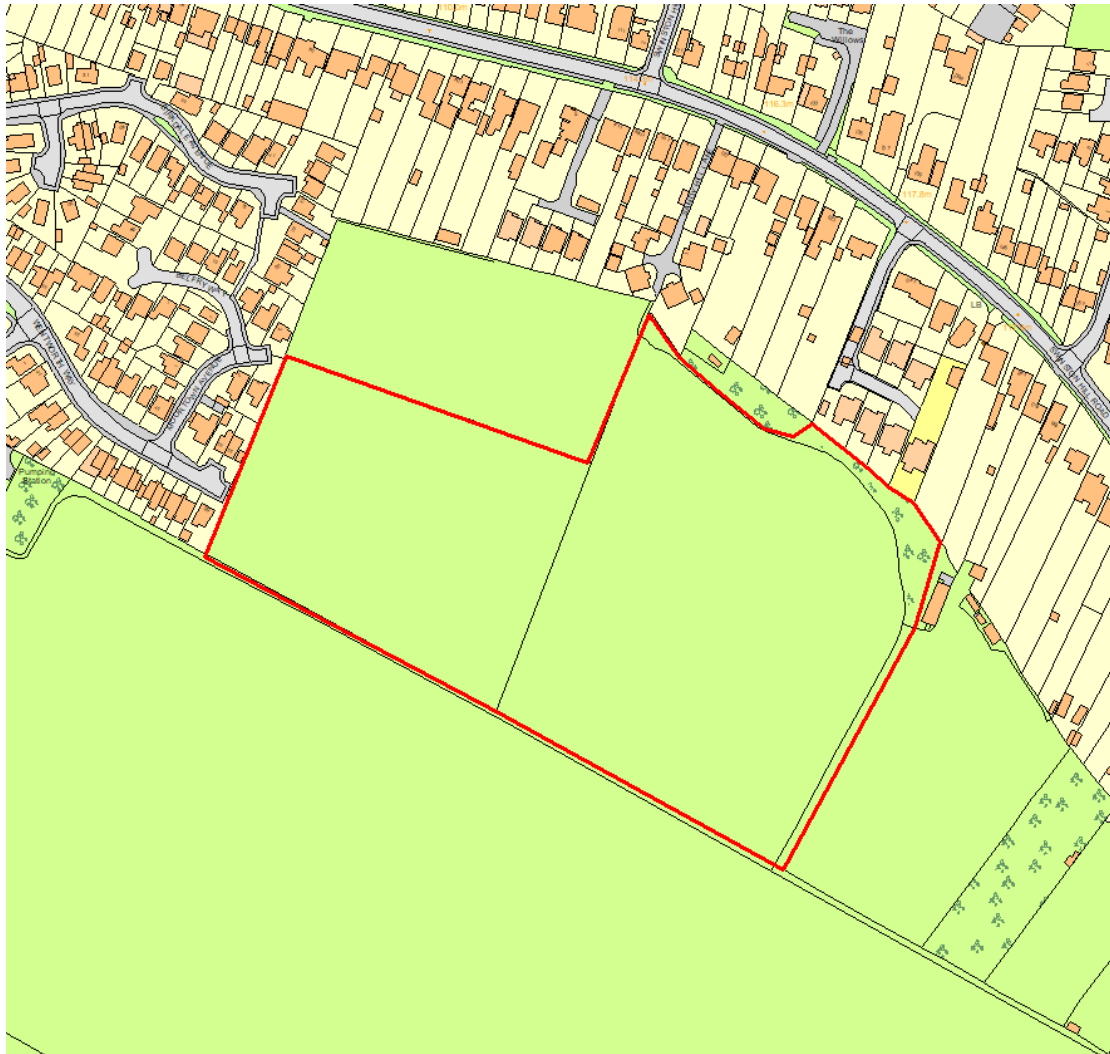
#### POSITIVE AND PROACTIVE STATEMENT

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>RB2021/1402</b> <a href="https://rotherham.planportal.co.uk/?id=RB2021/1402">https://rotherham.planportal.co.uk/?id=RB2021/1402</a>
<b>Proposal and Location</b>	Application to Vary Condition 04 (timing of installation of traffic humps) imposed by RB2019/0837 land east of Wentworth Way, Dinnington
<b>Recommendation</b>	<p>A. That the Council enter into a deed of variation to the legal agreement agreed under RB2019/08377 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>• 39 affordable housing units (25% of total units proposed) on site</li> <li>• Financial contribution of £78,500 towards sustainable travel measures to support the development</li> <li>• Financial contribution of £72,338 towards improvements to the adjacent public open space to support the development</li> <li>• Financial contribution of £1,500 towards the installation of two kissing gates on adjacent footpath</li> <li>• Establishment of a Management Company to manage and maintain the areas of Greenspace on site.</li> </ul> <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report.</p>

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



### **Site Description & Location**

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

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

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

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

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

## **Background**

There have been several previous planning applications relating to this site:

RB2019/0837 – Erection of 157 no. dwellinghouses, new access, car parking, landscaping and public open space, including 3m high fence – Granted Conditionally

RB2020/1084 – Discharge of conditions 03, 04, 05, 07, 08, 09, 10, 11, 12, 16, 19 & 20 imposed by planning application RB2019/0837 – Granted Conditionally

RB2021/1099 – Application to modify a Section 106 Agreement imposed by planning application RB2019/0837 – Disposed to grant by chair and vice but waiting for s106 to be signed.

The above application to vary the s106 legal agreement relates to the lifting of the mortgage in possession clause set out in Schedule 1 clause 2.2 of the agreement. This is because Arches Housing have secured the rented s106 homes on the site. The issue is the original wording is likely to make charging the homes more difficult, as the clause relates to the Council having a right to ask for receipts from sales to be used towards housing within the Rotherham area.

RB2021/1410 – Discharge of condition 16b imposed by planning application RB2019/0837 – Granted

RB2021/1639 – Discharge of condition 5 imposed by planning application RB2019/0837 – Undetermined

## **EIA screening opinion**

The proposed development falls within the description contained at Paragraph 10 (b) of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 2017 and meets the criteria set out in column 2 of the table in Schedule 2 i.e. the number of dwellings proposed exceeds 150. However, the Borough Council as the relevant Local Planning Authority has taken into account the criteria set out in Schedule 3 to

the Regulations and it is considered that the development would not be likely to have a significant effect on the environment by virtue of factors such as its nature, size and location.

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

### CIL

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

### **Proposal**

The application is seeking consent to amend condition 4 imposed by RB2019/0837. Condition 4 stated:

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

The applicant is seeking to amend the timing for implementing the speed humps that were approved as part of the highway works outside of the application site on Wentworth Way and Turnberry Way.

The applicant has indicated that the traffic calming measures proposed within document 19009/GA/01 incorporate traffic speed humps. The issue, which is becoming apparent, is the timing of the installation of these humps and the disruption involved with local residents, associated with the volumes of site traffic during the initiation of the development. This coupled with the potential degradation of the humps with large vehicle movements over them during the construction phase.

The applicant is now seeking to amend the condition so that the works set out in document 19009/GA/01 are implemented prior to the 50<sup>th</sup> dwelling being occupied.

This will result in less impact on existing neighbours with heavy vehicles going over the speed humps during the heavy construction phase. The applicant is seeking to change condition 4 to:

*“Details of the proposed traffic calming measures in Wentworth Way / Turnberry Way as shown in draft form on Drg No 19009/GA/01 rev A shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the 50th occupation of dwellings.”*

## **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.

## **Other Material Considerations**

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

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

## **Publicity**

The application has been advertised by way of press and site notice along with individual neighbour notification letters to adjacent properties. 22 letters of representation have been received. The issues raised are summarised below:

- In reality we have already had much hassle and inconvenience to put up with due to the development by Taylor Wimpey at the end of Wentworth Way – and they have barely started work yet. I would, as I am sure most residents of Wentworth Way would (had they been made aware of such plans), wish to object to further inconvenience by the installation of speed humps along Wentworth Way and Turnberry Way.
- There are currently noise issues each time a lorry passes over the steel plates covering excavation on Wentworth Way. That would be even worse were they to have to cross speed bumps along the length of the road and adversely affect far more of the residents of the two roads.
- The installation of the speed humps will cause noise and the lorries going over them will only increase this.
- If you are truly concerned about speeding, I would suggest a 15mph speed limit is installed along with a camera system.
- We wish to object not to when they are installed but to the humps all together,
- We the residents have enough hassle and inconvenience already due to Taylor Wimpey without the installation at any stage or after the construction.
- They won't be beneficial, we have never needed them in the past, no other road of this category in the area has them, just main roads such as nursery Road (a B road).
- All these humps will achieve is to cause more chaos to us the residents and expense in repairing our own vehicles, we believe this should be scrapped and save us the residents more upheaval stress and

expense, possibly think of something else, a lower speed limit, signage, or a camera.

- The speed humps will damage vehicles and directly affect all journeys to and from our house.
- They are not necessary due to the road layout.
- Why are there no speed humps on Lakeland Drive?
- Money would be better spent elsewhere.
- They will be an eyesore.
- If there is a speed hump outside 39 Wentworth Way please reconsider.
- If they are deemed necessary why choose this exact location outside my house where it may cause problems to us when driving in /out or reversing in/out or for visiting deliveries/friends/relatives/emergency vehicles.
- Since the building work started we have had to put up with large noisy road sweepers every afternoon, achieving a lot less than a good shower of rain, and now there are several potholes appearing which in time could cause more vehicular damage.
- Speed humps have never stopped boy racers or thieves who have stolen cars from being idiots.
- This decision that has been taken will only cause a problem for the residents of Wentworth Way.
- As a retired mechanic of 33years experience I am aware of the damage that this will cause to my car and to visitors cars.
- I would like to ask that if you won't change this decision, taken without my and my neighbours knowledge, you put in place an insurance policy paid for by your employer so we can claim for the damage inflicted to our vehicles.
- Alternatively put in proper access roads and police them as required. We voiced our concerns that with the number of new dwellings the increased traffic would be in the region of 200-300 vehicles, school runs ,work and social journeys etc. This is likely to have a negative effect for emergency services as our road isn't very wide and people have to park on the road. When the law is passed to ban parking on the pavement it will be impossible to access the new houses.

One right to speak request has been received at the time of writing the report, from a local resident.

## **Consultations**

RMBC – Transportation Infrastructure Service: No objections to change in the trigger point for implementing the road safety measures required to implement the 20mph speed limit change on Wentworth Way and Turnberry Way.

## **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 only issue for consideration in this application relates to the variation of condition 4 imposed by RB2019/0837, which is to assess the change in the trigger point for implementing the previously approved road safety measures (i.e. speed humps and 20mph speed limit) as set out in condition 4, from before the first dwelling is occupied to before the 50<sup>th</sup> dwelling is occupied.

Issues in relation to the principle of development, design, layout, amenity, drainage, ecology etc. have been established under the approval of RB2019/0837 which is now being constructed out as such the 2019 permission is extant. In addition, the principle of the road safety measures cannot be revisited under this application, as the developer can still implement the speed humps and reduced speed limit on Wentworth Way and Turnberry Way before the first dwelling is occupied if this application is refused.

In respect of condition 4 it is noted that the applicant wishes to change the trigger point for implementing the speed humps / traffic calming measures in Wentworth Way and Turnberry Way, which were agreed as part of RB2019/0837, from prior to the occupation of the first dwelling to the occupation of the 50<sup>th</sup> dwelling.

The reasoning is that if constructed and installed any earlier then the speed humps would be subject to a number of traffic movements from large construction vehicles, which could lead to them being damaged but also result in increased noise to local residents of the large construction vehicles going over them. Therefore by lengthening the period to the occupation of the 50<sup>th</sup> dwelling the number of heavy construction vehicles requiring access to the site will be significantly reduced.

The Council's Transportation Infrastructure Service have raised no objections to the change in the trigger point for implementing the traffic calming measures.

Therefore, it is considered that the variation to condition 4 is acceptable. However, it is of note that the original condition 4 required a detailed traffic calming scheme to be submitted, one was submitted under RB2020/1084 and was subsequently deemed to be acceptable and the condition was discharged. As such it is considered appropriate to reference that drawing in the revised condition, which will result in the revised condition stating:

*“The traffic calming measures in Wentworth Way / Turnberry Way as shown on drawing No 19009/GA/02 which was approved under RB2020/1084 shall be implemented prior to the 50th occupation of dwellings, unless otherwise agreed in writing with the Local Planning Authority.”*

The issues raised by the objectors are noted but details were agreed in draft form under the original application which is currently being constructed out. Furthermore, the reasoning for extending the trigger point is to reduce the impact on residents of heavy construction lorries going over them, as by the time they are implemented it will mainly be cars and vans going over them which will have less of a noise and disturbance impact than if they were implemented earlier. In addition, the concerns about them damaging resident's vehicles, this should not be an issue if drivers navigate them correctly and sensibly, also the type of speed hump is one that is smooth and is a gradual raise in the tarmac across the width of the carriageway, not angled blocks placed on the road surface, whereby cars go over them unevenly. In addition, due to the type of speed hump proposed they will not become an “eyesore”.

With regard to them not being necessary, the Council's Transportation Infrastructure Surface consider that they are necessary in order to implement the new 20mph speed limit on Wentworth Way and Turnberry Way, and the speed humps are being constructed at the expense of the developer and not out of the Council's finances.

In respect of the issue raised about residents not knowing about them, the draft plan showing the potential traffic calming measures was submitted with the original application, was published on the website for people to see, was shown as part of the presentation to members of planning board in 2020 and also clearly referenced in condition 4. As such traffic calming measures have been part of this wider scheme since the beginning. The only change is the point in time in which they are provided which is being pushed back to further in the construction phase.

In respect of the question raised by several objectors about why there are no speed humps on Lakeland Drive, this is not a matter for this application as the speed humps on Wentworth Way and Turnberry Way have already been approved under RB2019/0837, furthermore it would be for the Council's Streetpride service to investigate whether traffic calming / safety measures are required on Lakeland Drive.

In addition, issues raised relating to the working practices are noted and are being investigated separately by the Council's Enforcement section as a potential breach of the approved Construction Management Plan and a new application to discharge the Construction Management Plan has been submitted and is currently under consideration.

Therefore, whilst the objections raised are noted they do outweigh the fact that the proposal is acceptable in planning terms.



Furthermore, the speed humps were approved under RB2019/0837 and it is of note that should this application be refused the developer can still implement the speed humps in accordance with the original condition 4 imposed on the approved RB2019/0837 application, the only difference would be that they would have to be constructed before the first dwelling is occupied as required in condition 4 of RB2019/0837 and not before the 50<sup>th</sup> dwelling is occupied as requested in this application.

## **Conclusion**

The comments received from residents are noted, however the issues raised relate to the principle of the speed humps, which was assessed and deemed acceptable when RB2019/0837 was approved by the Council. Therefore, the principle cannot be revisited as part of this application, which is only seeking to amend the trigger point in which they are provided. Therefore, having regard to the above the revised wording of condition 4 is acceptable, subject to all other conditions imposed on RB2019/0837 being imposed on this application, but with amended wording where the details have been submitted and approved under various discharge of condition applications; and the signing of a s106 deed of variation. Accordingly, the application is recommended for approval.

## **Conditions**

### **General**

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):

P18:5202:01 – M, received 17 October 2019  
P18-5205-03 – A, received 29 May 2019  
P18-5202-04, received 29 May 2019  
P18-5202-05, received 29 May 2019  
P18-5202-06, received 29 May 2019  
P18-5202-07, received 29 May 2019  
P18-5202-08, received 29 May 2019  
P18-5202-09, received 29 May 2019  
P18:5202:10, received 29 May 2019  
P18:5202:115 – A, received 29 May 2019  
P18:5202:116 – A, received 29 May 2019  
P18:5202:117, received 29 May 2019  
P18:5202:118, received 29 May 2019  
P18:5202:119, received 29 May 2019  
P18:5202:120 – A, received 29 May 2019  
P18:5202:121 – A, received 29 May 2019  
P18:5202:122 - A, received 29 May 2019  
P18:5202:123 - A, received 29 May 2019

P18:5202:124 – A, received 29 May 2019  
P18:5202:125 - A, received 29 May 2019  
P18:5202:126 - A, received 29 May 2019  
P18:5202:127 – A, received 29 May 2019  
P18:5202:128, received 29 May 2019  
P18:5202:129, received 29 May 2019  
P18:5202:130 - A, received 29 May 2019  
P18:5202:131, received 29 May 2019  
P18:5202:132, received 29 May 2019  
TW-STD-GAR-1000, received 29 May 2019  
TW-STD-GAR-1001, received 29 May 2019  
TW-STD-GAR-1002, received 29 May 2019  
18181-RLL-19-XX-DR-C-200 D, received 8 October 2019  
18181-RLL-19-XX-DR-C-202 C, received 8 October 2019  
18181-RLL-19-XX-DR-C-203 D, received 8 October 2019

Reason

To define the permission and for the avoidance of doubt.

Materials

02

The development shall be carried out in accordance with the materials (ref: 20185-MAT Materials Layout) submitted to and approved under RB2020/1084, unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

Highways

03

The traffic calming measures in Wentworth Way / Turnberry Way as shown on drawing No 19009/GA/02 which was approved under RB2020/1084 shall be implemented prior to the 50th occupation of dwellings, unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of highway safety.

04

The construction phase of the development shall be carried in accordance with the Construction Management Plan submitted and approved under RB2020/1084 throughout the construction period, unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interests of highway safety and residential amenity.

05

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

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

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

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

06

The construction of road sections, construction and drainage details shall be carried out in accordance with the details (ref: 18181-RLL-19-XX-DR-C-310E, 18181-RLL-19-XX-DR-C-302D and 18181-RLL-19-XX-DR-C-305B submitted to and approved under RB2020/1084, unless otherwise agreed in writing with the Local Planning Authority.

Reason

No details having been submitted they are reserved for approval.

07

The development shall be carried out in accordance with the Travel Plan submitted to and approved under RB2020/1084. The Local Planning Authority shall be informed of and given prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

Landscapes

08

The development shall be carried out in accordance with the detailed landscaping scheme (ref: WWD 02B Landscaping Masterplan. WWD 03-09 Planting Details) submitted to and approved under RB2020/1084. The

scheme shall be implemented in accordance with the approved landscape scheme and in accordance with the appropriate standards and codes of practice.

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

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

#### Reason

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

#### Trees

09

The existing trees and hedgerows to be retained shall be protected throughout the construction phase in line with the details (ref: Tree Protection AMS Wentworth Way AWA2963.B) submitted and approved under RB2020/1084 unless otherwise agreed in writing with the Local Planning Authority.

#### Reason

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

#### Air Quality

10

Each dwelling shall not be occupied until the approved EV charging infrastructure has been provided in accordance with the details submitted and approved under RB2020/1084 and they shall thereafter be retained.

#### Reason

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

#### Ecology

11

The bat and bird box details submitted and approved under RB2020/1084 (ref: SLR Report enclosed 200131\_424.06339.00012) shall be implemented

prior to each dwelling being occupied and shall thereafter be retained and maintained unless otherwise agreed with the Local Planning Authority.

Reason

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

Land Contamination

12

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.

13

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

Reason

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

14

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

#### Reason

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

#### Archaeology

15

The development shall be carried out in accordance with the Written Scheme of Investigations (WSI) (ref: ASWYAS report 8745\_Dinnington TT WSIV4 & Trench locations) submitted and approved under RB2020/1084.

#### Reason

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

#### Drainage

16

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

- The utilisation of holding sustainable drainage techniques (e.g. soakaways);
- The limitation of any surface water discharge to any sewer or watercourse to equivalent greenfield rates (i.e. maximum of 5 litres/second/Ha);
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus a 30% allowance for climate change, based upon the submission of drainage calculations; and
- A maintenance plan including responsibility for the future maintenance of drainage features and how this is to be guaranteed for the lifetime of the development.
- The ability to accommodate foul water drainage from the whole of the H81 Housing Allocation site, unless otherwise agreed in writing based on separate foul drainage solutions being pursued.

#### Reason

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

17

The development shall be carried out in accordance with the flood route drawing (ref: 18181-RLL-19-XX-DR-C-205) submitted and approved under RB2020/1084 and the development shall not be brought into use until the approved details are implemented.

Reason

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

### Green Spaces

18

The development in respect of the construction, implementation and subsequent maintenance of the Public Open Space and play areas shall be implemented in accordance with the details submitted and approved under RB2020/1084 (ref: TW Management Co Area Plan and drawing WWD 03-09) and shall thereafter be retained and maintained, unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

### 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.

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

03

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

04

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

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

05

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



06

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

07

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

08

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

09

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

## POSITIVE AND PROACTIVE STATEMENT

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