

**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE 19 May 2022**

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>	RB2021/1326 <a href="https://rotherham.planportal.co.uk/?id=RB2021/1326">https://rotherham.planportal.co.uk/?id=RB2021/1326</a>
<b>Proposal and Location</b>	Construction of new 3G all-weather football pitch associated hardstandings, floodlighting and fencing, Wales High School, Storth Lane, Kiveton Park
<b>Recommendation</b>	<b>Grant Conditionally</b>

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



## **Site Description & Location**

The site of application is a sports field linked to Wales High School on the edge of Wales Village. The field is currently used for football and athletics during the summer months. The sports field falls within the Green Belt outside of the Community Facilities allocation of the school.

To the south of the site is Kiveton Park Meadows Junior School whilst to the west of this school, beyond a wooded area, are residential properties on Horseshoe Close. To the south east of the site are two residential properties on Storth Lane, used as caretaker's accommodation for the Schools, with Wales High School beyond across the road.

The Sheffield to Worksop rail line runs adjacent to the north western boundary of the overall site.

## **Background**

RB1979/1747 - 7 temporary classroom units – GRANTED

RB2017/1142 - Placement of 3 no temporary modular units - GRANTED  
CONDITIONALLY

RB2017/1558 - Placement of 2No. temporary modular units, Wales High School,  
Storth Lane, Kiveton Park – GRANTED CONDITIONALLY

The Council is also currently considering the following application:

RB2022/0254 - Proposed New Changing rooms & existing club room facility upgrading – GRANTED CONDITIONALLY

## **Proposal**

The applicant seeks permission for the installation of a new 3G Astro turf pitch with associated fencing and floodlighting. The fence will be in a green mesh measuring a maximum of 4.5m high to retain footballs.

There would be 6 x 15m high floodlight columns with LED lights.

The football pitch will be used by both Kiveton Park Football Club and Wales High School. No additional parking is proposed within the site which is served by an existing car park providing 35 spaces, as well as additional parking bays provided on Storth Lane.

The proposed pitch was originally proposed in the south western corner of the overall playing field site, approximately 60m from the nearest residential property on Horseshoe Close. Following Officer advice the pitch has been moved to the south eastern portion of the sports field so as to reduce noise and light pollution to local residents on Horseshoe Close.

The applicant's Amended Noise assessment states that:

- Measurements of the prevailing background noise climate were undertaken at site from Monday 25th – Tuesday 26th October 2021 at a location representative of the identified Noise Sensitive Receptors (NSRs). Representative data of previously obtained MUGA noise activity has been utilised within the assessment.
- The nearest or most-affected Noise Sensitive Receptors (NSRs) were identified as residential dwellings to the south and southwest on Storth Lane and Horseshoe Close. Kiveton Park Meadows Junior School has been considered as a third receptor as requested from the local authority.
- Acoustic modelling software, SoundPLAN, was utilised to calculate external sound propagation toward the NSR locations using 'ISO-9613-2 - Attenuation of sound during propagation outdoors' and measured data of a football session within a previously measured MUGA site.
- Calculated noise levels at the identified receptors were assessed against the criteria provided by Sports England on the design and construction of sports areas given in the 'Artificial Grass Pitch (AGP) Acoustics'. These criteria include comparisons to the existing noise climate (LAeq & LAFmax) and to WHO guideline values.
- Noise levels at receivers were predicted to fall below the adopted criteria during the proposed use periods.
- Context discussions included the existing use of land, the length and days of the proposed extended use, context of the surrounding area and the location and number of affected receptors; all found to be below the existing noise climate. In conclusion, the potential impact from the proposed use of the MUGA is considered acceptable.

The applicant has submitted a light impact assessment indicating that light spillage will be minimal and not harm neighbouring amenity.

#### **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 that was adopted in June 2018.

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

CS4 'Green Belt'  
CS20 'Biodiversity & Geodiversity'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'

SP 10 'Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt'  
SP33 'Conserving & enhancing the natural environment'  
SP34 'Sites protected for nature conservation'

SP35 'Protected and priority species'  
SP52 'Pollution Control'

### **Other Material Considerations**

Supplementary Planning Development - 'Development in the Green Belt.'

Bat Conservation Trust's guidance note 08/18 "Bats and artificial lighting in the UK".

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 site notice along with individual neighbour notification letters to adjacent properties. Following the initial publicity when the pitch was proposed in the south western corner of the site, 9 letters of objection were received from residents on Horseshoe Close (6) and manor Road (3). One letter was received from the local MP, merely passing on comments they have received from one of the above objectors.

The letters of objection state that:

- The proposed pitch is too close to Horseshoe Close
- The intended hours of use are unacceptable
- Noise and bad language from the existing pitch is detrimental to neighbour's enjoyment of their gardens.
- The proposed all weather pitch will be used intensively creating harm to neighbouring residents.
- The noise and floodlighting will be detrimental to local wildlife.
- Significant light pollution late into the evenings.
- Better location within the school grounds
- There is already a new build 3G pitch within the village at the former Kiveton Colliery site.

Further consultation took place following the repositioning of the football pitch and a further 3 letters of objection were received, two of which were from residents who had previously objected reiterating their concerns. In addition, 26 letters in support were submitted (primarily from residents in the area, though not the immediate area).

The letters in support state that:

- Good Facility for local children in the area
- Supports the growing football club and improves school facilities
- Improves physical activity and mental health
- The club doesn't promote swearing or aggressive behaviour, but these issues can arise at a football club.
- The current field drains poorly making football during winter months difficult.
- The existing 3G pitch at the former Kiveton Colliery site is not suitable for over 12s due to its size.

The applicant has requested the right to speak at Planning Board.

### **Consultations**

RMBC Transportation Unit: No objections

RMBC Environmental Health: No objections to the amended location subject to appropriate conditions restricting the hours of operation and the lighting use.

RMBC Ecologist: No objections to the scheme and does not consider a bat survey is required due to the position of the proposed sports pitch within an existing longstanding playing field.

The Coal Authority: No objections

Network Rail: No objections

### **Appraisal**

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

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

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

The main considerations in the determination of the application are:

- Whether the proposal would be inappropriate development within the Green Belt, including its impact on the openness and purposes of the Green Belt.

- Impact on the character and appearance of the Green Belt.
- Whether the proposal would be of detriment to highway safety.
- Impact upon ecology
- The impact upon neighbouring amenity
- Planning balance and very special circumstances

Whether the proposal would be inappropriate development within the Green Belt, including its impact on the openness and purposes of the Green Belt.

The application site is located within the Green Belt where there is a presumption against inappropriate development, which is, by definition harmful to the Green Belt and its openness.

Policy CS4 'Green Belt' states that: "Land within the Rotherham Green Belt will be protected from inappropriate development as set out in national planning policy".

Policy SP 10 'Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt' states:

"Provision of appropriate facilities for outdoor sport, outdoor recreation and cemeteries, will be acceptable as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it providing that:

- a. proposals will not give rise to undue disturbance caused by an increase in noise, the attraction of significant numbers of additional people into the area, or an increase beyond current levels of traffic at any one time;
- b. they are sited and designed so as to avoid any adverse impact on identified landscape character, heritage, nature conservation or agricultural interests;
- c. the proposals would not pollute surface and groundwater; and
- d. they can satisfy other relevant policies of the Plan and National Guidance;
- e. the applicant will need to demonstrate that the impact of the proposals will not be detrimental to the preservation of the openness of the Green Belt or to its character."

Paragraph 149 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, exceptions to this include the "...provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it..."

Issues in respect of impact on local residents, the local highways, and other general issues are discussed further below. The proposed 3G pitch and associated fencing and lighting represent appropriate facilities for outdoor

recreation within this Green Belt setting. The new pitch will be for both the use of the football club and the school, to the benefit of the Local Community.

In terms of the effect of the development on the openness and purposes of the Green Belt, the NPPF states that the most important attribute of Green Belts is their openness. In this instance the site is largely screened by existing vegetation, and whilst the proposed pitch itself would have minimal impact on openness, there will be some reduction in the openness of the Green Belt by way of the tall fencing surrounding the site, and the 6 No. 15m high lighting columns, the light from which making them conspicuous within the setting and easily visible. The fencing and lighting columns will also introduce elements of urbanisation in this open area, and one of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment.

In view of the above the proposals and not in accordance with Local Plan Policy SP10 as well as the NPPF and as such very special circumstances have to be demonstrated to overcome the harm caused by the floodlighting, which are discussed in more detail below.

#### Impact on the character and appearance of the Green Belt.

In terms of the impact of the character and appearance of the Green Belt the new facility does have an urbanising impact upon the character of the existing sports field which is otherwise open. However, the visual appearance has been minimised through the use of green mesh fencing and green Astro turf which blends into the existing playing field. Overall, the sports pitch will have a good quality appearance suitable for its setting close to a school with other existing sports pitches. As such the sports pitch will have an acceptable impact upon the character and appearance of the Green Belt.

#### Whether the proposal would be of detriment to highway safety.

The NPPF paragraph 111 states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

The site includes on site parking for 35 cars and parking is also available along Storth Lane, no additional parking is proposed. The football club will use the pitch outside of school hours preventing any clash with parking demand along Storth Lane. Furthermore, the position of the facility on the edge of the village is within easy walking distance of a large number of members, reducing the need to travel by car.

As such there are no highway or parking concerns.

### Impact upon ecology

Policy CS20 'Biodiversity & Geodiversity' states that priority will be given to; "supporting the positive management and protection of nationally, regionally and locally designated sites for nature conservation". CS20 gives priority to; "conserving and enhancing sites and features which have demonstrable biodiversity and geodiversity value, including woodland, important trees, hedgerows, watercourse,...but which are not included in designated sites".

SP33 'Conserving & enhancing the natural environment' states that: "Development should conserve and enhance existing and create new features of biodiversity ..value". It also states that: "Planning permission will not be granted for development that is likely to, directly or indirectly, result in the loss or deterioration of sites, habitat or features that are considered to be irreplaceable due to their age, status, connectivity, rarity or continued presence unless the need for, and benefits of, the development in that location clearly outweigh the loss".

NPPF paragraph 174 states that: "Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefit"

Firstly in terms of light pollution the LED lights are designed to reduced light overspill to surrounding areas. In addition the pitch has now been positioned closer to the school away from nearby small woodland to the rear of Horseshoe Close.

The Council's Ecologist has assessed the proposal and notes that the pitch has been moved further away from the nearby wooded area and that light spillage is minimal and will not harm the woodland. The scheme therefore accords with the Bat Conservation Trust's guidance note 08/18 "Bats and artificial lighting in the UK".

In terms of the 3G pitch itself there is potential for the small plastic pellets to be blown off or transfer onto the adjoining land. As such a specific condition has been attached requiring details of measures to prevent infill granulate from escaping the pitch or entering the drains.

### Impact upon neighbour amenity

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

The main objections to the scheme relate to the noise and disturbance the football pitch will create as well as the light pollution generated by the floodlighting. The sports field has been in use since the 1960s when Wales High School was first constructed and as such has a long history of sport taking place on site. This use has intensified in recent years with Kiveton Park football club utilising the pitches outside of school hours.

Clearly the new 3G pitch with floodlighting will allow for a more intensive use of the pitch in the evenings, up until 10pm at night. In order to mitigate the potential noise the applicant has agreed to move the pitch further away from the objectors and closer to the school itself and the caretaker dwellings.

The applicant has provided an updated noise and lighting assessment which demonstrates that the noise and light pollution will not be excessive. The Council Environmental Health Team agree with their conclusion. Whilst some noise will be heard this is not considered to be excessive and is not unusual from a longstanding sporting location.

Whilst clearly such a 3G pitch will generate more use with the associated noise from players and spectators, which may be heard by some neighbouring residents, this has to be weighed against the significant benefits of the scheme by providing important all weather recreation facilities. The Council Policies, and in particular Supplementary Planning Document No. 5 Equal and Healthy Communities, seeks to promote physical activity and the provision of sports facilities close to residents.

### Planning Balance and Very Special Circumstances

NPPF paragraph 148 states: “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”

What constitutes very special circumstances (VSCs) depend on the weight of each of the factors put forward. In determining the weight, the first stage is to determine whether any individual factor taken by itself outweighs the harm and the second is to determine whether some or all of the factors in combination outweigh the harm. The weight to be given to any particular factor will be very much a matter of degree.

The new lit pitch allows for training and matches during the winter months during all weathers, whereas the existing turf pitches are restricted to daytime hours and are prone to waterlogging or freezing. This is especially important for football which is generally played more during the winter months and the facilities allow for more flexibility and a more enjoyable/safer experience for users.

Whilst the scheme has a somewhat urbanising impact upon the site, especially when the lighting is in use, such a facility is not unusual for a school sports field and is set against the backdrop of the Secondary and Primary school buildings and other similar sports facilities associated with the school.

The sporting facilities have considerable support within the local community and the Council Policies, and in particular Supplementary Planning Document No. 5 Equal and Healthy Communities, which seeks to promote physical activity and the provision of sports facilities close to residents.

As such it is considered that very special circumstances have been demonstrated to overcome any harm in this instance.

## **Conclusion**

The development as constructed represents inappropriate development in the Green Belt. However very special circumstances have been demonstrated to overcome any harm caused by inappropriateness. The proposals are considered acceptable in terms of the impact on local residents, highway safety and ecology, as well as all other material planning considerations. As such, it is recommended that planning permission be granted.

## **Conditions**

01

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

Reason

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

02

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

(Amended Site Plan 2393/Site/01 P6) (Received 16 February 2022)

(Amended Pitch Details 2393/GA/01 Rev B) (Received 16 February 2022)

(1.2M HIGH SPECTATOR RAIL 1200-02-B) (Received 14 September 2021)

(4.5m Fence Detail 4470-01) (Received 14 September 2021)

Reason

To define the permission and for the avoidance of doubt.

03

The use hereby permitted, including use of floodlights, shall only be used between the hours of 9:00am – 22.00pm Monday to Friday, and 9:00am – 18:00pm Saturday, Sundays & Bank Holidays.

Reason

In the interests of residential amenity.

04

Lighting shall be of the specification detailed, and be installed, operated and maintained in accordance with, the plans provided in the Lighting Impact Assessment, dated 20/04/2022 (Ref: A22-1037250/bjl), and the Lighting Design, dated 19/04/2022, undertaken by Christy Lighting Masts Ltd. Lamps shall be suitably angled and if necessary shielded (as determined by the Local Planning Authority) so as to prevent glare and light trespass beyond the site boundary as per the guidance provided by the Institute of Lighting Engineers in their document 'Guidance Notes for the Reduction of Light Pollution'.

Reason

To safeguard the amenities of the occupiers of nearby properties

05

Details of measures to prevent the pollution of adjoining grass playing fields and drains of artificial/synthetic grass and infill granulate (plastic particulates), shall be submitted to and approved in writing by the Local Planning Authority prior to the pitch being brought into use. The measures shall be maintained for the lifetime of the development.

Reason

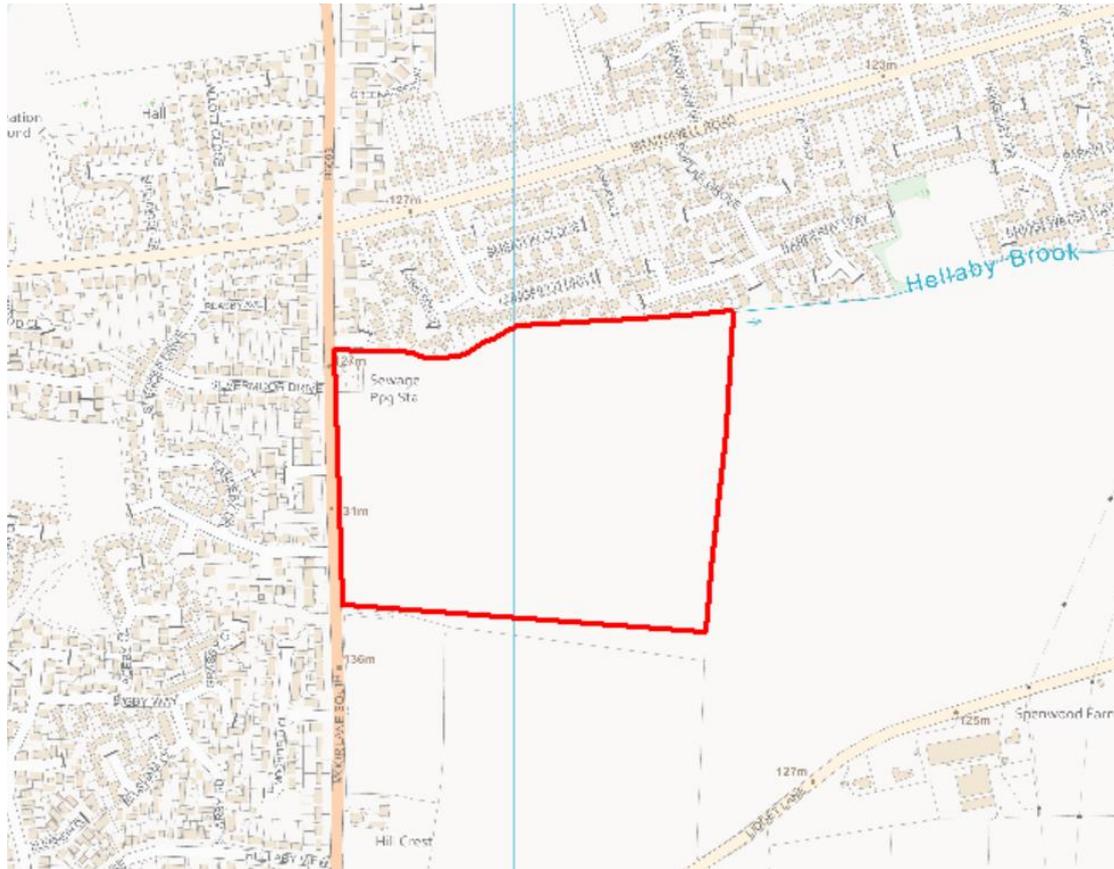
In the interest of the protection of the natural environment.

#### 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>RB2021/1532</b> <a href="https://rotherham.planportal.co.uk/?id=RB2021/1532">https://rotherham.planportal.co.uk/?id=RB2021/1532</a>
<b>Proposal and Location</b>	Reserved Matters application (details of appearance, landscaping, layout & scale) for the erection of 320 no. dwellinghouses (reserved by outline RB2019/0894) at land east of Moor Lane South, Ravenfield
<b>Recommendation</b>	<p>A. That the Council enter into a Deed of Variation Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following which were agreed as part of the signed Section 106 agreement attached to the outline permission:</p> <ul style="list-style-type: none"> <li>• 25% on site affordable housing provision in accordance with the Council's adopted Policy (80 dwellings)</li> <li>• Commuted sum of £500 per dwelling towards sustainable transport measures (£25,600)</li> <li>• Financial contribution towards the enhancement of local bus services - £100,000 per annum for a period of 3 years</li> <li>• Improvement of 4 bus shelters on Moor Lane South and Braithwell Road amounting to £63,389.10</li> <li>• Education Contribution in line with the Council's adopted formulae towards Maltby Academy (£670,728)</li> <li>• Formation of a Local Area of Play prior to occupation of the 100<sup>th</sup> dwelling</li> <li>• Formation of a Local Equipped Area of Play prior to the occupation of the 200<sup>th</sup> dwelling</li> <li>• Financial contribution towards the improvement of football pitches at Ravenfield Recreation Ground or Bill Hawes to provide playing surfaces - £15,000 prior to the occupation of the 250<sup>th</sup> dwelling.</li> <li>• Establishment of a Management Company to manage and maintain the areas of Greenspace, including the proposed LAP and LEAP.</li> </ul> <p>B. Consequently upon the satisfactory signing of such an agreement the Council grants permission for the proposed development subject to the conditions set out in this report.</p>

This application is being presented to Planning Board as it is a 'Major' application and due to the number of objections received.



## Site Description & Location

The site lies to the east of Moor Lane South and extends to approximately 14.5 hectares. It currently comprises of agricultural land that is delineated by existing hedgerows. To the south and east of the site lies further farmland, whilst existing residential development adjoins the site to the west, where the dwellings off Moor Lane South look onto the site. To the North runs Hellaby Brook with houses beyond on Common Farm Close, Grayson Close, Longfield Drive and Barberry Way, backing on to the site. Beyond these roads are further houses leading to Braithwell Road which forms a crossroads with Moor Lane South.

The site itself does not contain any landscape features such as trees or other vegetation, nor does it contain any structures. Its topography slopes from the south-western corner to the far eastern edge.

## Background

There has been one previous application submitted in relation to this site:

RB2019/0894 – Outline application for the erection of up to 320 No. dwellinghouses including details of access – Granted Conditionally – 11 February 2021

RB2021/1422 – Discharge of conditions 4 and 6 imposed by RB2019/0894 – Granted – 22 April 2022

RB2022/0488 – Non-material amendment to Application RB2019/0894 to include amendment to the wordings of conditions 37, 38, 39, & 41 – Granted – 24 March 2022

RB2022/0641 – Discharge of conditions 05, 11, 14, 16, 20, 28, 29, 30, 34 & 36 imposed by planning application RB2019/0894 – Currently Undetermined

### Community Infrastructure Levy

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

### Environmental Impact Assessment

The proposed development falls within the description contained at Paragraph 10 (b) of Schedule 2 of the Town and Country Planning (Environment Impact Assessment) (England and Wales) Regulations 2017 and meets the criteria set out in column 2 of the table in Schedule 2 i.e. the development includes more than 150 dwellings and exceeds 5 hectares. 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.

### **Proposal**

The current application is seeking approval of reserved matters for the appearance, landscaping, layout and scale of the construction of 320 dwellings following outline approval in 2021 (ref: RB2019/094).

The outline application established the principle of residential development on this site and also established the number of dwellings (320 maximum) as well as the access / egress to the proposed estate.

The outline application also included the following requirements secured by a s106 legal agreement and which cannot be revisited as part of this reserved matters application:

- 25% on site affordable housing provision in accordance with the Council's adopted Policy (76 no. of dwellings).
- Commuted sum of £500 per dwelling towards sustainable transport measures.
- Financial contribution towards the enhancement of local bus services - £100,000 per annum for a period of 3 years
- Improvement of 4 bus shelters on Moor Lane South and Braithwell Road amounting to £63,389.10
- Education Contribution in line with the Council's adopted formulae towards Maltby Academy (£697,056.50)
- Formation of a Local Area of Play prior to occupation of the 100<sup>th</sup> dwelling
- Formation of a Local Equipped Area of Play prior to the occupation of the 200<sup>th</sup> dwelling
- Financial contribution towards the improvement of football pitches at Ravenfield Recreation Ground or Bill Hawes to provide playing surfaces - £15,000 prior to the occupation of the 250<sup>th</sup> dwelling.
- Establishment of a Management Company to manage and maintain the areas of Greenspace, including the proposed LAP and LEAP.

The outline application also considered matters such as the impact of 320 dwellings on this site on the local and strategic highway network, local education facilities and other local amenities such as doctor's surgeries. Accordingly, these considerations cannot be revisited under this reserved matters application.

The only matters for consideration are the appearance, landscaping, layout and scale of the development.

In terms of the layout it is dictated by the two previously approved access junctions from Moor Lane South, one is located towards the northern end of the site and the other more centrally, there is a further pedestrian access point at the southern end of the site from Moor Lane South into the site along its southern boundary. The layout also shows potential future highway links to the south and west should those sites come forward in the next plan period. Internally road layout provides a circular route with cul-de-sacs and private drives forming off it.

The layout provides a buffer planting zone along the whole of the sites northern and southern boundaries which access for maintenance and management of those areas. There is a further buffer along part of the eastern boundary with the adjacent field with a larger area of open space in the north-east corner of the site where an attenuation basin is proposed to be located.

Adjacent to the basin and within the area of open space to the north-east corner of the site a pumping station is positioned. This is the lowest point of the site and is to be set away from existing and proposed dwellings to ensure that the required wet well offset is within the applicant's ownership. The main

apparatus of the pumping station is below ground and the only visible element is hardstanding with a kiosk approximately 1.2m high. The area will be enclosed by a perimeter made up of a 0.6m high wall with a 0.6m high railing on top.

Along the site frontage with Moor Lane South a further tree lined buffer is proposed with an internal road beyond before the dwellings fronting Moor Lane South start. The internal roads are proposed to have landscaped areas as well as being tree lined.

The properties to the north and east of the site face inwards, whereas those to the west and south face outwards over Moor Lane South and the adjacent field respectively.

The main area of public open space located in the centre of the development with properties on all sides facing inwards towards it. The area will have a footpath running through it with a Local Area Play (LAP) enclosed within a fenced area, comprising of play equipment for toddlers; and other play equipment spread throughout the space for older children as a Local Equipped Play Area (LEAP). The area will be landscaped with a community orchard area proposed.

The development provides a mix of 2, 3, 4 and 5 bed properties in a mixture of detached, semi-detached and terraced forms. The dwellings would be either two-storey or two-storey with rooms in the roofspace. The proposal will also provide 25% affordable homes (80 in total). The accommodation split is as follows:

#### Open Market

24 x 2 bed

56 x 3 bed

125 x 4 bed

35 x 5 bed

38 of the 2 and 3 bed properties are either end or mid properties and the remaining 202 are detached.

#### Affordable

46 x 2 bed

26 x 3 bed

8 x 4 bed

All of the affordable units are either end or mid properties.

The majority of properties will have a garage and / or in-curtilage surface parking. Some properties to the east will have their parking on the opposite side of the road within some of the greenspace. All properties are to be provided with EV charging points either internally within garages where applicable or externally on the property. The parking spaces within the green space will also have EV charging points.

There will be a mixture of boundary treatments around the site these will include 1.8m high close boarded timber fence; 1.8m brick wall with screen timber panels; 0.75m post and rail fence; 0.9m high estate railings; 0.6m high dry stone wall and 0.6m high brick wall with 0.6m railings above.

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

#### Waste Management Plan

The document provides details on what waste will be created, how it will be disposed and where it will be disposed.

#### Arboricultural Impact Assessment

The Arboricultural Impact Assessment provides information and advice on potential conflicts between the existing trees on site and the proposed development.

As part of this survey the relevant qualitative tree data was recorded in order to assess the condition of the existing trees, their constraints upon the prospective development and the necessary protection and construction specifications required to allow their retention as a sustainable and integral part of the completed development. Information is given on condition, age, size and indicative positioning of all the trees, both on and affecting the site. This is in accordance with the British Standard 5837:2012.

Possible mitigation measures are outlined where the proposed development comes into conflict with retained trees and vice versa.

The trees included within this survey comprise of 60 individual trees and 5 tree groups:

- 9 individual trees were classified as Category B.
- 2 tree groups were classified as Category B.
- 14 individual trees were classified as Category C.
- 4 tree groups were classified as Category C.
- 6 hedge groups were classified as Category C.
- 3 individual trees were classified as Category U.

To facilitate the development two trees will be required to be removed to facilitate the construction of the shared driveways through the RPAs of both. There is a requirement for these driveways to be constructed to adoptable standards, which will not allow for no dig construction methods. The existing condition of the trees will not likely tolerate such invasive construction methods within the RPA and therefore their removal will be necessary.

In addition, two small sections of hedge within H6 will require removal to create formal entryways into the site, the hedge is designated as Category C2 and of a low value to the site, the hedge overall will be retained with the

proposed removal being <10% of the overall hedge. Furthermore, the proposed footpath along Moor Land South will directly conflict with the small trees in G1. Removal of these trees will therefore be required.

It summarises that the proposed planting across the site will provide suitable mitigation for the required tree removal.

#### Construction Management Plan

The plan of the site indicates where construction vehicles will enter and exit the site and the areas where the site sales building will be, and where site materials and construction traffic will be parked during the construction works.

#### Preliminary Ecological Appraisal

The PEA was carried out in July 2021 and expands on the PEA submitted with the outline application. It provides details of the site, its surroundings, the surveyed species and habitats and provides recommendations and conclusions.

#### Ecological Mitigation Scheme

The purpose of this document is to set out the ecological protection, mitigation and enhancement measures that will be undertaken with regards conditions 21 & 22 imposed on the outline application. It provides details of how species and habitats will be protected before, during and after construction and provides a schedule of works in respect to ecological matters.

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

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

The application site is allocated for residential purposes in the Local Plan and forms the whole of housing allocation H65. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

- CS1 Delivering Rotherham's Spatial Strategy
- CS3 Location of New Development
- CS6 Meeting the Housing Requirement
- CS7 Housing mix and affordability
- CS14 Accessible Places and Managing Demand for Travel
- CS19 Green Infrastructure
- CS20 Biodiversity and Geodiversity
- CS21 Landscape
- CS22 Green Space
- CS23 Valuing the Historic Environment

CS24 Conserving and Enhancing the Water Environment  
CS25 Dealing with Flood Risk  
CS27 Community Health and Safety  
CS28 Sustainable Design  
CS32 Infrastructure Delivery and Developer Contributions  
CS33 Presumption in favour of sustainable development  
SP1 Sites Allocated for Development  
SP11 Development in Residential Areas  
SP26 Sustainable Transport for Development  
SP32 Green Infrastructure and Landscape  
SP33 Conserving and Enhancing the Natural Environment  
SP34 Sites Protected for Nature Conservation  
SP35 Protected and Priority Species  
SP36 Soil Resources  
SP37 New and Improvements to Existing Green Space  
SP39 Design and Location of Green Space, Sport and Recreation  
SP42 Archaeology and Scheduled Ancient Monuments  
SP43 Conserving and Recording the Historic Environment  
SP47 Understanding and Managing Flood Risk drainage  
SP49 Safeguarding Mineral Infrastructure  
SP52 Pollution Control  
SP54 Contaminated and Unstable Land  
SP55 Design Principles  
SP56 Car Parking Layout  
SP57 Sustainable Construction  
SP64 Access to Community Facilities

### **Other Material Considerations**

National Planning Practice Guidance (NPPG)

National Planning Policy Framework: The NPPF as revised sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

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

The specific Site Development Guidelines for this allocated site (H65).

South Yorkshire Residential Design Guide

National Internal Space Standards

Manual for Streets

## Supplementary Planning Document

- Air Quality and Emissions
- Equal and Healthy Communities
- Affordable Housing
- Natural Environment
- Transport Assessments, Travel Plans and Parking Standards

### **Publicity**

The application has been advertised by way of press, and site notice along with individual neighbour notification letters to adjacent properties. 15 letters of representation have been received from local residents, Braithwell with Mickelbring Parish Council, Ravenfield Parish Council and the local MP.

The issues raised by local residents are summarised below:

- Moor Lane South is already a busy road and this proposal will increase traffic.
- The proposal will cause prolonged noise pollution.
- There is no information regarding hedgehog highways through the estate.
- The loss of green space to paving / decking and closed gardens will contribute to the decline of hedgehogs.
- The proposal will result in increased flood risk.
- The properties to the north of the site will impact on the amenity of existing residents by way of overlooking.
- The proposal will impact negatively on local amenities such as shops, schools and health care facilities.
- The proposal will have a negative impact on wildlife.
- The proposal will result in properties to the north being overshadowed in winter months.
- The proposal will have an impact on views from our property.
- The proposal will result in the loss of Green Belt land.
- The tree planting to the north of the site will result in existing rear gardens being overshadowed.
- 

The issues raised by Braithwell with Mickelbring Parish Council are summarised below:

- The development will have a significant impact on the villages of Braithwell and Micklebring as the road network through both villages will be used as a bypass.
- The Parish of Braithwell with Micklebring's road networks are already not fit for purpose and will struggle to cope with the increase of traffic from the already approved planning application on Grange Lane, Maltby.

- It seems that new developments are being passed on Rotherham Borough boundaries without any serious consultation with the other Boroughs. Will part of the 106 monies from this proposed development go towards improvement on road networks throughout Ravenfield, Braithwell and Micklebring?

The issues raised by Ravenfield Parish Council are summarised below:

- The location of properties on the northern boundary will result in the overlooking of existing properties.
- The location of the affordable homes could impact on the house prices of existing properties.
- The proposal will have an adverse impact on highway safety and increase in traffic in the area.
- What are the plans for deliveries etc. when the scheme is being built out?
- The proposal will have an adverse impact on wildlife and ecology.
- The proposal could result in increased flood risk in the area.
- The developer appears to be profiteering from the “Ravenfield label” by using Ravenfield as the location in their documents, when the site sits within the boundaries of Bramley.
- The proposal will impact negatively on local amenities i.e. schools and health care facilities.

The issues raised by the MP are summarised below:

- There are concerns regarding the height of dwellings to the north of the site close to existing bungalows, which could impact on amenity such as overlooking and overshadowing.
- Residents have suggested a wider landscape buffer to the north.
- Concerns regarding road safety and volume of traffic on local roads and the knock-on effect on Bramley one-way system.

On receipt of amended plans showing an increase in the number of dwellings from 303 to 320 a further round of public consultation was carried out with letters going to local residents and those who had previously commented on the application giving a further 21 days to comment. 6 letters of representation were received, 3 from residents who had previously commented and 3 comments from new residents.

The new comments are summarised below:

- The proposal is now for even more houses that will become a blot on the landscape.
- The farmland was taken out of the green belt deliberately, destroying this pleasant village.
- The Government says we will need all the productive land we have, but this application is turning productive land into more houses.

- Where Moor Lane South meets Flanderwell Lane there is a bottleneck, which can only get worse when the vehicles of 320 extra houses try to exit via a single track road, creating more traffic load on the existing network.
- The development will totally destroy an already pleasant landscape to residents of Moor Lane South.
- The report says wildlife habitats will be lost. Wildlife is on a knife edge and any loss of habitat is a blow to the local wildlife, they need help, more habitat, not less.
- To the local residents there will be a significant environmental effect.
- The application will cover the space with houses and disregard the countryside and the environment.
- Although the scheme is termed 'Bramley' in reality it would be Ravenfield that be more adversely affected by this proposed development. Ravenfield has already seen significant housing development over recent years & we don't believe it has the infrastructure in place to cope with another 320 houses.
- We live in one of the houses that flooded in the heavy rain on Silvermoor Drive in 2019. We have major concerns about the drainage issues this housing development could cause. The field adjacent to our home which is where the proposed Redrow development would take place is a vital soak away when it rains. We feel losing this field could cause further flood risk to our home, this is a huge worry to all residents who flooded in 2019. We are still striving for improvements to the drainage capacity around our homes, and we fear this would actually make the situation worse than it already is.
- We have concerns with how the nearby roads would cope with extra traffic from 320 new houses. Moor Lane South is already a busy main road, this development would only add to this & would likely cause significant traffic issues heading to the mini roundabout at Bramley & also the other way towards Ravenfield crossroads.
- With the ongoing situation in Ukraine, greenbelt land in this country is of great importance to the economy and food-producing industry and should be utilised, not obliterated and replaced by unsightly housing developments when there are plenty of other available sites in the area.
- The size of the houses in the development suggest that each property will have at least 2 cars putting an extra 640 cars on the roads, which are already struggling to cope at Ravenfield crossroads and the junction at Bramley Brook. The queues from Bramley frequently stretch halfway up the hill to Ravenfield now, what is it going to be like if this development goes ahead?
- The existing properties on Longfield Drive and Grayson Close are all bungalows, mostly occupied by retired residents who moved into them expecting to have a quiet retirement with pleasant countryside views. This development is going to obliterate the view completely together with much of the light, as all the properties are at least two storeys high. They are planned to be much too close to the existing properties,

removing the privacy completely as they will be overlooking our gardens and rear windows.

- There will be six blocks of social housing built alongside our boundaries. As I have previously pointed out, Longfield Drive and Grayson Close are mainly retirement communities. The last thing the residents need are noisy families with all the problems that brings. Why not put the social housing at the other end of the development and at least afford us some consideration?
- The noise and dust produced during construction of this development is going to be unbearable, as well as the disruption to traffic. Whinney Hill in Thrybergh has become almost a no-go area during construction of that development and this will be just the same.
- Hellaby Brook behind Longfield Drive is not big enough to cope with all the additional water running off the roads and driveways. We do not want our gardens and properties flooding every time it rains.
- Totally disagree with the comments regarding transport issues being resolved. Whilst a 20mph restriction will help keep roads safer for those nearby I don't feel there was any comment regarding the extra volume of traffic that will imposed upon already congested routes.

Two Right to Speak has been received from a local resident and a local Councillor.

## **Consultations**

RMBC Transportation and Infrastructure Unit: No objections.

RMBC Drainage: No objections subject to conditions.

RMBC Landscape: No objections subject to conditions.

RMBC Tree Service: No objections subject to conditions.

RMBC Ecology: No objections subject to conditions.

RMBC Green Spaces: No objections.

RMBC Education: Education contribution required in line with the s106 attached to the outline application.

RMBC Affordable Housing Officer: The Affordable Housing contribution, along with the housing mix and tenure are acceptable and will be agreed in the Deed of Variation.

RMBC Environmental Health: No objections subject to conditions.

RMBC Air Quality: No comments have been received on the reserved matters application.

RMBC Land Contamination: No objections.

Highways England: No objections subject to conditions.

South Yorkshire Passenger Transport Executive: No comments have been received in relation to the reserved matters application but did raise no objections subject to the enhancement of bus shelters within the immediate vicinity and the enhancement of bus services which serve the site at outline stage and this requirement was secured in the s106 which remains valid.

Environment Agency: No objections.

Yorkshire Water: No objections.

Sheffield Area Geology Trust: No objections.

South Yorkshire Police: recommend that the development is designed to secure by design standards.

South Yorkshire Fire and Rescue: note that access for fire appliances should be in accordance with Building Regulations Approved Document B volume 2 Part B5 section 16. Water supplies for fire-fighting purposes should be in accordance with Building Regulations Approved Document B volume 2 Part B5 section 15.

Rotherham NHS: acknowledge that the proposed development could theoretically add circa 800 patients into the local community and whilst they note that practices within the area are operating beyond capacity, they are working with them to find a solution and as such raise no objections to the proposed development.

Sport England: No comments have been received to the reserved matters application.

South Yorkshire Archaeology Service: No objections subject to conditions.

Severn Trent: No comments have been received to the reserved matters application.

South Yorkshire Superfast Broadband: No objections subject to standard informatives and condition.

## **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.

This application is a reserved matters application to assess the matters reserved in the determination of the outline application (RB2019/0894). Whilst the outline application only specifically considered access to the site, matters relating to appearance, landscaping, layout and scale were given some consideration and weight in the determination of the outline application, due to nature of the application. In addition, concerns raised at the time of the outline application by local residents in terms of principle of development, impact on local and strategic highway networks, impact on local amenities (including GP surgeries and Schools), ecology, flooding, air quality and general disamenity were given consideration and the board report for the outline application is appended to the agenda for information.

A reserved matters application as stated in the National Planning Practice Guidance 'Making an application' relates to those aspects of a proposed development which an applicant can chose not to submit details of with an outline planning application (i.e. reserved for later determination). These are defined in article 2 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed within the development in relation to its surroundings.

The outline application (RB2019/0894) provided a detailed consideration and assessment of the principle of developing this site for residential. However, it is worth reiterating that this site, whilst formally Green Belt under the now superseded Unitary Development Plan, was removed from the Green Belt and re-allocated for Residential purposes within the Adopted Local Plan Sites and Policies Document (2018). This followed an extensive public consultation, culminating in an Examination in Public, whereby a Planning Inspector appointed by the Secretary of State found the Sites and Policies document to be acceptable and thus removing this site from the Green Belt and re-allocating it for Residential purposes. The site has since formed Housing Site H66 (total area of 16.49 hectares) and the Sites and Policies Document indicates that the total site has a capacity of approximately 320 dwellings.

From a land use perspective, the development of the site for Residential is acceptable and the principle of developing the site for approximately 320 dwellings has been established in the approval of the outline application. Accordingly, the principle of this development cannot be revisited during the determination of this reserved matters application.

In addition, the access arrangements were considered and deemed to be acceptable in respect of highway safety and the additional traffic movement to and from the site on the strategic and local road networks was considered and deemed acceptable during the determination of the outline application by the Council's Transportation Infrastructure Service and Highways England, subject to conditions. Accordingly, matters relating to the access into and out of the site, the impact on local and strategic road networks, also cannot be revisited during the determination of this reserved matters application.

Given the issues of principle, and access have been fully considered under the outline application, they cannot be considered under this reserved matters application. In addition, matters relating to the impact of the development on local amenities such as Schools and GP Surgeries, flooding of the site, pollution impacts, noise, and ecological impacts were all considered during the outline stage and no concerns were raised.

With regard to the above, the main considerations in assessing the reserved matters application are considered to be:

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

- Planning Obligations
- Other Considerations

### Design, Layout and Scale

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

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

Paragraph 126 of the NPPF 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 134 states *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

- a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
- b) *outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

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

Policy SP55 ‘Design Principles’, states, in part, that: *“All forms of development are required to be of high quality, incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and*

*the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings”.*

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

The 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 layout comprises a mix of terraced, semi-detached and detached dwellings. The properties are proposed to be 2 or 2 ½ storeys in height.

The layout follows the general principles set out in the illustrative masterplan submitted with the outline and the approved Design Code for the site in that it incorporates a wide landscape buffer to the northern boundary of the site, further landscape buffers to the other boundaries of the site, potential future access routes to the land to the south and east, as well as a new pedestrian link in the south-west corner of the site onto Moor Lane South. Furthermore, within the site the central public green space is well overlooked by surrounding properties, there is good circulation for residents and the wider general public to walk through the central green space with footpaths, there is also play areas and play equipment within the area as well as space for more informal play. There is a further area of public open space to the north-west corner of the site, although some of this area will be occupied by an attenuation basin and pumping station, as such only part will be available all year round for informal play and recreation. Finally the site will be subject to extensive planting within the landscape buffer areas, the public open space and tree lined avenues and streets.

The accompanying accommodation schedule also indicates that the developable area extends to 14.5ha and will provide a mix of 2, 3, 4 and 5 bed properties in a mixture of detached, semi-detached and terraced forms. The properties will be either two-storey or two-storey with rooms in the roofspace. The mix of accommodation proposed is:

- Open Market
  - 24 x 2 bed
  - 56 x 3 bed
  - 125 x 4 bed
  - 35 x 5 bed

38 of the 2 and 3 bed properties are either end or mid properties and the remaining 202 are detached.

- Affordable
  - 46 x 2 bed
  - 26 x 3 bed
  - 8 x 4 bed

All of the affordable units are either end or mid properties.

The two-storey dwellings with rooms in the roof space will be located away from the northern boundary of the site and concentrated to the areas towards the east, west and south of the site. There will also be some of these house types close to the central public open space and along one of the access roads into the site. The height of the two-storey dwellings with rooms in the roofspace will be approximately 9.5m to the ridge, the two-storey houses will range in height from approximately 7.5m to approximately 9m to the ridge.

With regard to the above, it is considered that the layout is acceptable in this location and accord with the requirements of the Design Code.

Turning to the internal streets, as detailed above these will comprise of 2 and 2½ storeys and will be a mix of detached, semi-detached and terraced properties. The properties are to be constructed in a mix of red brick, buff brick and render, with some properties having red tile hung features on elevations, in addition some properties will have a mock-tudor feature, with boarding over render. The properties will either have red tiled roofs or a grey tiled roof, gutters and down pipes are to be black throughout. Those properties with detached garages will be constructed in similar materials.

It is considered that the individual design of the properties, with their materials and design features / details would represent an acceptable and appropriate form of development on this site and in this location which would give the new estate a distinctive appearance that will enhance the character of the area.

In addition to the above the proposed boundary treatments in and around the application site would be acceptable and would further enhance the appearance of the estate.

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

#### Provision of open space on the site

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

- a. *Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development*
- b. *Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development*
- c. *Considering the potential of currently inaccessible green space to meet an identified need.*
- d. *Putting in place provision for long term management of green space provided by development*
- e. *Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.*
- f. *Links between green spaces will be preserved, improved and extended by:*
  - i. *Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature*
  - ii. *Creating or extending green links where feasible as part of green space provision in new developments.”*

Policy SP37 'New and Improvements to Existing Green Space' states, in part, that:

*“Residential development schemes of 36 dwellings or more shall provide 55 square metres of green space per dwelling on site to ensure that all new homes are:*

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

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

The application seeks permission for 320 new homes and as such the requirement for on-site open space extends to 17,600 sq metres. The proposed layout provides a large central public open space, along with part of the green space to the north-west corner of the site (minus the attenuation basin) and the landscape buffer to the west of the site which will provide some

amenity function given its width and inclusion of a footpath through from north to south of the site, linking up with the new pedestrian footpath in the south-west corner of the site. These three distinct areas of public open space will provide approximately 22,713 sq. metres, which exceeds the required amount, and is therefore in line with this policy.

In addition to the areas of open space, the proposed development also includes the provision of a Local Area of Play (LAP) and a Local Equipped Area of Play (LEAP). Policy SP39 'Design and Location of Green Space, Sport and Recreation' outlines the principles to be followed when new play spaces are designed.

The development proposes a LAP within the central green space area which will be an area enclosed by a 1.2m high black bow top fence, with 2 self-closing gates (1 maintenance and 1 partially lockable pedestrian and maintenance gate) in line with British Standards. Within the area will be play equipment for toddlers and include a slide, a rock n bowl and a rock n roll cockerel.

To achieve the LEAP play requirement the developer is proposing a "Play on the Way" feature of natural play equipment that will be located throughout the central public open space area and will be provide equipment such as a 'Jungle Dome' which offers climbing and balancing activities, a raised tunnel, a tyre hopscotch, a bucket swing, slide and boulders. Benches and litter bins will also be provided within this area.

It is considered that type of play is proportionate to the development proposed. However, it should be noted that all the areas of public open space, including the LAP and LEAP will be maintained by a management company which was secured as part of the Section 106 legal agreement with the outline application. Furthermore, there is a requirement within the same legal agreement of when the LAP and LEAP need to be provided by the developer.

An objection to the outline application was received by Sport England as a non-statutory consultee. At the time of the outline they calculated that the population of the proposed development in this area will generate a demand for a total of £275,855 in relation to Sports Halls, Swimming Pools, Artificial Grass Pitches and Indoor Bowls. However, during the determination of the Outline application, the Council's Culture, Sports and Tourism Partnership Manager provided comments in relation to the request from Sport England and considered that the demand outlined can be met by existing provision at Maltby Leisure Centre and central venues. Furthermore, it was considered that the contributions mentioned for swimming and indoor bowls were small enough that any demand could be accommodated within the existing local provision. Therefore, it was considered that having regard to the proposed on-site greenspace provision that the contribution requested by Sport England at the time could not be justified as part of the outline application.

Sport England were consulted on this reserved matters application when it was submitted in August 2021 and whilst an e-mail was received from Sport England confirming they had received the consultation request, no further comments have been received, despite several further e-mails to them for comments.

Therefore, it is considered that given the sport provision issue was assessed at the outline stage it cannot be reconsidered at this time and the lack of a response from Sport England adds further weight to this.

Taking the above into consideration, it is considered that the scheme provides an appropriate amount of open space as well as play equipment on the application site and accords with the above Local Plan Policies.

### Highways issues

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

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

Policy SP26 'Sustainable Transport for development' states, in part, that:

*"Development proposals will be supported where it can be demonstrated that:*

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

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

The NPPF further notes at paragraph 110: *“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

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

Paragraph 111 states: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

Paragraph 113 goes on to note that: *“All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”*

The site development guidelines for H65 as set out in the adopted Sites and Policies Document states: *“A Transport Assessment will be required which includes consideration of possible traffic issues regarding Bramley village and J1 of the M18.”*

As detailed above matters relating to the impact of the development on national and local road networks, including Bramley village and J1 of the M18 were assessed and considered at the outline stage by both the Council’s Transportation Infrastructure Service and Highways England. Both assessed the TA submitted and both found that the development, subject to conditions would not have a detrimental impact on highway safety or a serve impact on the road network, and as it was considered at outline stage it cannot be revisited at the reserved matters application stage.

For reference the conditions included on the outline remain valid and they required the following:

*“A detailed scheme to provide the works to Junction 1 of the M 18 Motorway as shown in draft form on Plan Reference, Aone drawing no. HE566833-AONE GEN-M18\_J1-DR-C-GA05-P01, or an alternative scheme that takes account of improvements that have either been carried out or agreed since*

*the approval of this permission shall be submitted to and approved in writing by the Local Planning Authority. No more 80 dwellings (25%) shall be occupied until the approved highway works have been completed.”*

*“The development shall not be commenced until details of the proposed improvement to the Flanderwell Lane/B6093 junction, indicated in draft form on plan reference AO94759-1 35 18 Drawing No. 006, have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented prior to the occupation of the 50th Dwelling on the site.”*

Further to the above the location and design of the two access points onto Moor Lane South from the development were also considered at outline stage and were both deemed to be acceptable from a highway safety perspective as both access / egress points provide sufficient visibility.

The only highway issue for consideration at reserved matters relates to the internal road network and to ensure that each property has sufficient amount of parking available off the highway in line with the Council’s adopted SPD ‘Transport Assessments, Travel Plans and Parking Standards’.

In respect of the internal road layout, the Council’s Transportation Infrastructure Service have stated that the amended site layout has now addressed previous concerns and that the proposed site layout complies with guidance from the South Yorkshire Residential Design Guide and Manual for Streets.

The proposed site accesses and improvements to the site frontage (pedestrian facilities) as required by both the current application and the original Outline planning permission (RB2019/0894P) will require the developer to enter into a S278 legal agreement with the Council for the works.

The scheme has been designed to a 20mph speed limit which will require a Traffic Regulation Order (TRO) to be carried out outside of the planning process.

It is noted that all properties are provided with a sufficient amount of parking, whether that be by way of internal garages, detached garages or surface parking either within the curtilage of each property or in close proximity, away from the carriageway. Accordingly, the level of car parking for each dwelling would satisfy the requirements of the SPD.

In addition to the above it is of note that the during the determination of the outline application, South Yorkshire Passenger Transport Executive requested improvements to 4 bus shelters on Moor Lane South and Braithwell Road, at a cost of £63,389.10 and a financial contribution of £100,000 per annum for a period of 3 years towards improvements to bus services in the immediate area. These requirements were secured as part of the s106 legal agreement attached to the outline application and remain pertinent.

Therefore, with regard to the above the proposed development would not raise any highway safety issues or highway concerns both within the local and strategic networks.

### Drainage and flood risk issues

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

*"Proposals will be supported which:*

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

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

Policy SP47" Understanding and Managing Flood Risk and Drainage" states, part, that: *"The Council will expect proposals to:*

- a) demonstrate an understanding of the flood route of surface water flows through the proposed development in an extreme event where the design flows for the drainage systems may be exceeded, and incorporate appropriate mitigation measures;*

- b) *control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The Council will expect applicants to consider the use of natural flood storage / prevention solutions (such as tree planting) inappropriate locations, and the use of other flood mitigation measures such as raised finished floor levels and compensatory storage; and*
- c) *consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties.”*

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

Issues relating to flood risk and drainage were considered at the outline stage, where it was confirmed that the site falls within Flood Zone 1, meaning that it is unlikely to flood and that the sequential test is satisfied.

The Council’s Drainage Engineer in considering the outline application noted that the watercourse along the northern boundary and the associated flood risk was considered. The indicative layout with the outline application avoided siting dwellings in this area, while providing easy access for maintenance of the watercourse. This arrangement has been retained and maintained throughout the development of the site layout plans. Furthermore, the finished ground levels of properties on the southern side of the watercourse are such that they would not force potential flood water towards the existing dwellings on the north side.

The site layout shows a large attenuation basin within the north-east corner of the site, as well as a pumping station close by which would be mainly underground with just a small kiosk style structure above ground that would be enclosed within a brick wall 0.6m high with metal railings 0.6m above.

Whilst there is limited additional information provided with the reserved matters application, the Council’s Drainage Engineer has indicated that sufficient information was provided at outline stage to satisfy the Council’s Drainage Section that the outstanding details could be conditioned. Accordingly, as no further information has been provided with this application, it is recommended that the same drainage conditions be imposed on the reserved matters application which will require the submission and approval of a drainage strategy, including a foul and surface water scheme; an updated Flood Risk Assessment; a flood route drawing and a foul sewer modelling assessment prior to works commencing. In addition a further condition shall be imposed which ensures no building or similar structure is erected within 5m of the top of the near bank of the watercourse on the northern edge of the site and sufficient access to allow maintenance of this watercourse shall be provided.

Further to the above it is of note that Severn Trent raised no objections to the outline application and have not provided any comments on the reserved matters application, despite several e-mails to them seeking comments.

It is noted that several residents have raised the issue of flooding in the area particularly during 2019 and the impact building on this field would have in the future. These matters were considered during the determination of the outline application and was deemed that the building on this site would not exacerbate flooding either on this site or on neighbouring properties. This remains the case insofar as the Council's Drainage Section have raised no concerns with the proposed development at the reserved matters stage either. As such the development of this site, subject to conditions is not considered to increase the likelihood of neighbouring properties / fields being flooded in the future and the measures put in place on this site will be satisfactory.

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

#### Ecology and biodiversity

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

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

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

- a) Protected species;
- b) Species of principal importance for the conservation of biodiversity;
- c) Species prioritised for action within the Rotherham Biodiversity Action Plan;

- d) *Populations of species associated with statutorily protected sites. Measures to mitigate and, or compensate for, any impact must be agreed prior to development commencing and should be in place by the time development is brought into use”.*

The NPPF further advises in part of paragraph 174 that: *“Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things):*

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

The outline application was supported by a Preliminary Ecological Appraisal and a Reptile Survey. An updated Preliminary Ecological Appraisal has been submitted as part of the reserved matters application which provides a more up-to-date picture of the situation as the new PEA was carried out in July 2021.

The PEA notes that there are no designated sites in close proximity that would be unduly affected by the development. It further notes that the site largely comprises of arable farmland and is considered to be of limited ecological value. Boundary habitats including hedgerows, trees and Hellaby Brook were considered to offer the greatest ecological value on site. These boundary habitats are also considered to offer suitability to support breeding birds, bats, badger and hedgehog.

In order to protect designated sites and habitats of ecological value present on site, and incorporate habitat enhancements, the following is recommended:

- Appropriate consultation with Natural England;
- Boundary habitats (i.e. hedgerows, trees and Hellaby Brook) are retained, or replaced with similar native species planting;
- Any retained hedgerows and trees should be protected and not subject to direct illumination;
- Enhancement of existing hedgerows;
- Favour native species planting where possible;
- Consider the use of wildflower seed mixes;
- Consider the feasibility of incorporating wildlife ponds within the scheme;

The PEA also assessed the impact of development on various species, including bats, breeding birds, badgers, reptiles, hedgehogs and other mammals. Various recommendations have been provided for amphibians, bats, birds, reptiles and hedgehogs.

The PEA notes that the development is considered feasible with minimal impact on biodiversity provided that mitigation and enhancement measures detailed within this report are incorporated within the site proposals. The residual ecological impacts are not anticipated to be significant.

An Ecological Mitigation Scheme has also been provided with the reserved matters application, this document has been produced to assist with the discharge of conditions 21 & 22 imposed by the outline application and relate to matters of sensitive lighting schemes and the compliance with the mitigation measures outlined in the PEA and Reptile Survey submitted with the outline application. It provides details of how species and habitats will be protected before, during and after construction.

The proposal also allows for the retention of the majority of the existing hedgerows around the site as well as additional planting in any areas which have gaps along the eastern boundary with the Green Belt. The retention and improvement of which will be a biodiversity enhancement.

The Council's Ecologist has confirmed that the PEA submitted with the outline and in particular the Ecological Mitigation Scheme provides extensive details of the type of lighting design, bat and bird boxes to be deployed, protection and enhancement of hedgerows and trees, installation of reptile features such as refuge piles comprising of log / brash piles from felled trees or sections of hedgerows and gaps within sections of boundary treatment to allow passage of hedgehogs. All of which satisfy the conditions imposed on the outline. As such amended conditions shall be imposed to ensure the development is carried out in accordance with the PEA and EMS both dated July 2021.

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

The proposal does include areas of green open space and sustainable drainage methods are to be used. For this reason, it is considered appropriate that the submission of details of the quality of soils on site and their movement and temporary storage during construction is carried out in accordance with the submitted Construction Management Plan.

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

## Landscape and Tree matters

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

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

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

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

The site in question is allocated for residential use within the Local plan (H65), and was assessed by the council as part of its local plan evidence base and was considered to be of Medium sensitivity to change and of Medium capacity to accommodate residential development. The site lies within the local character area of 8 Central Rotherham coalfield farmland. This is described as generally being of moderate strength of character but poor condition. The focus of landscape management proposals for this character area, given its character and condition should be to improve and restore features which contribute positively to its overall character.

The site development guidelines, contained within the adopted Sites and Policies Document, for this site states that:

- A Landscape Assessment will be needed to assess and manage the impact of potential new development on the wider open countryside and on natural landscape features such as trees and hedgerows. Existing vegetation including mature trees should be retained and enhanced, unless agreed in writing with the Local Planning Authority.

- Development proposals shall provide a strong structural landscape framework within which this development will sit. The appropriate long term management and maintenance of any existing or newly created Green Infrastructure assets within the development will need to be explored and funded.

A landscape assessment was submitted with the outline application and was deemed to be acceptable. Further detailed drawings of the landscape proposals have been provided with the reserved matters application for consideration as this matter was reserved at outline.

The landscape details provided with the application provides appropriate landscape buffers to the southern and eastern boundaries and an acceptable standoff to Hellaby Brook and a landscape planting area along Moor Lane South within the site. The plans also provide planting along the main avenue from Moor Lane South as well street planting within the site. There are two distinct areas of green space, a central “Green” which will have footpaths running through along with play equipment and extensive planting (including an orchard) and areas of greenspace for informal play / recreation to occur. A second area to the north-east of the site will have the drainage basin but there will also be areas outside of the basin for informal play / recreation to occur along with additional planting.

In addition to communal areas of greenspace and structure planting around the site, individual plots will also have landscaping, but currently details of this is minimal.

Details in respect of the buffer and spine road landscape was covered by condition attached to the outline application that will require discharging at a later date.

With regard to the information submitted with this application in order to consider the landscape matter, the Council’s Landscape Design Team have indicated that whilst some of the information submitted is acceptable insofar as the Landscape Masterplan, further information is required in respect of additional details in regard to the POS to the north-east of the site around the attenuation basin and additional details on plot landscaping. Therefore, conditions will be imposed on this application requesting the submission of detailed Plot landscaping prior to each geographical phase commencing; detailed Attenuation POS landscaping details and Implementation of the Landscape Masterplan and central POS landscaping based on the current details submitted.

Having taken the above into account, whilst the development will result in some adverse visual amenity for existing residents, but the proposals are not considered to result in any significant adverse effect on the borough’s landscape character. The proposed site layout and landscape masterplan documents include an appropriate level of green infrastructure and green

space that will ultimately have a beneficial effect on the local landscape fabric and features.

Further to the above the Tree Service have confirmed that the comments provided at the outline application stage remain valid and the Tree Service raise no objections to the proposed development as it will lead to an improved level of tree cover and related benefits. Whilst an Arboricultural Impact Assessment has been submitted which is considered acceptable there is a requirement for an Arboricultural Method Statement to be submitted prior to works commencing to provide details on how the existing trees and hedgerows will be protected during the construction phase.

The development of this site is therefore considered to be compliant with the relevant policies contained within the adopted local plan.

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

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

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

- a. the detrimental impact on the amenity of the local area, including an assessment of the risks to public health.*
- b. the presence of noise generating uses close to the site, and the potential noise likely to be generated by the proposed development. A Noise Assessment will be required to enable clear decision-making on any planning application.*
- c. the impact on national air quality objectives and an assessment of the impacts on local air quality; including locally determined Air Quality Management Areas and meeting the aims and objectives of the Air Quality Action Plan.*
- d. any adverse effects on the quantity, quality and ecology features of water bodies and groundwater resources.*

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

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

- a. *demonstrate there is no significant harm, or risk of significant harm, to human health or the environment or of pollution of any water course or ground water;*  
b. *ensure necessary remedial action is undertaken to safeguard users or occupiers of the site or neighbouring land and protect the environment and any buildings or services from contamination during development and in the future;*  
c. *demonstrate that adverse ground conditions have been properly identified and safely treated;*  
d. *clearly demonstrate to the satisfaction of the Local Planning Authority, that the land is suitable for its current or proposed use.*”

In respect to the above, supporting information was submitted with the outline application in relation to land contamination issues.

The Council’s Land Contamination Officer has indicated they have no comment to make on the reserved matters application, as their comments on the outline application and recommendations were conditioned under the decision notice RB2019/0894 (conditions 28-33). No information has been submitted within this application in relation to those comments as such they remain valid and these included the submission of a Phase I Desk Top Study to fully identify the past and present uses at the site which could have led to contamination occurring. The Phase I report will allow for a preliminary risk assessment to be undertaken which will determine whether a further intrusive site investigation is required or not.

In general amenity terms the Environmental Health Section note that the site is adjacent to residential properties and is some distance away from any major noise sources. They note that there is potential for disamenity to occur for existing residents from noise during the construction phase and the working hours of the construction work and machinery used on site and dust and mud from the excavation of the land, construction work and traffic flow of lorries entering and exiting the site.

The site would be accessed off Moor Lane South, which is a residential street and due to the level of development proposed a Construction Management Plan to control such issues, should be provided. A Construction Management Plan has been submitted with this application, but its contents have been deemed unacceptable at this time and as such a condition shall be imposed to ensure a suitable document is submitted and approved before works commence on site to ensure that matters such as noise, dust, mud etc. are suitably controlled during the construction to help minimise the impact of the development on residents.

In relation to Air Quality issues, the outline application was supported by an Air Quality Assessment which concluded there is potential to cause air quality impacts as a result of emissions during the construction phase, however they are not predicted to be significant. The results indicated that the impact as a result of traffic generated by the development was predicted to be negligible and no objections were raised by the Council's Air Quality Officer to the development.

It is of note that in support of this application the developer has provided a site layout which shows each property having an Electric Vehicle Charging Point, this will either be internally within garages or on the exterior of the dwellings and those who parking spaces are outside of their curtilage, the EVCP will be mounted on a pole. Accordingly, with the regard to the above the proposed development would be in compliance with the requirements set out within the Council's adopted SPD 'Air Quality and Emissions'.

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

#### Impact on existing/proposed residents

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

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

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

Further to the above the NPPF at paragraph 130 states, in part, that planning decisions should ensure that developments “*create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.*”

It is noted that residential properties exist immediately to the north of the site and across Moor Lane South to the west. Representations have been received claiming that the proposed development will overlook the properties to the north and appear overbearing, particularly as these relate primarily to bungalows and some of the properties to the north will be two-storey.

Whilst the comments are noted, it is of note that due to Hellaby Brook running along the northern part of the site, the layout has been designed with a wide landscape buffer between the rear elevation of existing properties along the northern boundary of the site and the rear / side garden boundaries and rear / side elevations of the proposed properties adjacent. This landscape buffer ensures that there is more than 21m between existing and proposed rear elevations, while all proposed gardens will be 10m in length, ensuring that the scheme complies fully with the guidance of the SYRDG.

Further to the above, the applicant has provided several cross-sectional drawings to illustrate the relationship between the proposed two-storey dwellings and existing bungalows along the northern boundary where the existing properties are sited the closest to the northern boundary of the site. These drawings have also included 25 and 45 degree vertical sight lines from the bungalows, all of which clear the ridge of the nearest proposed dwelling. Therefore, from the information provided given the distance between the properties, the proposed properties would not give rise to levels of overlooking, loss of privacy or appear overbearing from existing neighbouring properties and the proposal would not result in the loss of daylight to rear gardens or rear habitable rooms of existing properties to the north of the site.

Objections have also been received stating that the proposed development will affect the views of residents from their existing properties. Whilst this point is noted, it is not a material planning consideration and as such will not influence the decision-making process.

With the above in mind, it is considered that the proposed development adequately addresses how the development does not affect the amenity of existing residents. The proposal is therefore considered acceptable and in accordance with the guidance contained within the SYRDG and adopted Local Plan policy SP55 ‘Design Principles’.

#### Archaeology and Cultural Heritage issues

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

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

It is noted that the site is not located within or adjacent to a Conservation Area, nor are there any Listed Buildings within the immediate vicinity. Accordingly, it is not considered that the development will have any impact on Cultural Heritage assets in the area.

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

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

The Site Development Guidelines require the proposal to be supported by a Heritage Statement for Archaeology, which was submitted and assessed at the outline stage by South Yorkshire Archaeology Service, who raised no objection to the application subject to a condition being attached which requires further archaeological works to be undertaken.

South Yorkshire Archaeology Service when consulted on this reserved matters application have indicated that a programme of archaeological evaluation was undertaken at the site in accordance with condition 36 of application RB2019/0894, and a subsequent phase of archaeological recording is being currently being developed. This is intended to make a record of buried remains of archaeological interest prior to their loss, and a scheme of work will need to be agreed and implemented prior to commencement of development. In light of these comments South Yorkshire Archaeology Service have recommended that a pre-commencement condition is imposed similar to the previous condition 36 on the outline as all matters have not yet been resolved.

## Impact on infrastructure, including Education and local GPs

With regards to GP Surgeries, this issue was assessed during the outline application and at the time the NHS CCG made the following comments: *“Thank you for the information relating to the proposed new development which helps us plan for future need and impact on local health services. Based on our primary care estates strategy, services in this area are already pressured. However, to deal with increased pressure on services, the practices are now operating on a Primary Care Network approach to enable more ‘at scale’ working and have adopted new ways of working e.g. telephone and video consultation which should support patient management. Primary Care Networks also have access to an extended workforce to support practices. It is also considered that new developments cause population movement around the Borough e.g. young adults moving out of family homes and not significantly new population and therefore it would be expected that the patients would already be registered with local practices within the Primary Care Network and so can be accommodated”*

The NHS CCG have made further comments on this application whereby they state that: *“This is a large development; 320 houses that could theoretically add circa 800 patients into the local community, though we know in reality the amount will be smaller due to patient shift in the borough. There are a number of practices that cover this area, all of which are currently operating beyond capacity i.e. they don’t have enough physical estate to manage their existing list sizes according to NHS Premises Costs Directions. We have been working with those practices to try find a solution for some time now.”*

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

With regards to the impact on schools, the Education Service noted in the Outline Application that Maltby Academy is oversubscribed in all year groups and the s106 tied to the outline and thus this reserved matters application required a contribution in line with the Council’s Education policy towards Maltby Academy.

Now that the final proposed dwellings and house types are known, the figure required to be paid by the developer to Maltby Academy is £670,728.

## Other issues raised by objectors

Numerous objections have been raised by residents, many of which have been considered in the preceding paragraphs and may be addressed by way of recommended planning conditions, others such as impact on amenities and highways are not applicable to this application as those matters were fully considered during the outline application and cannot be revisited; while others, such as loss of views and devaluation of properties are not material

planning considerations and thus they cannot be taken into account in the determination of this application.

Finally, comments have been raised regarding a dispute over the boundary with the parish of Bramley and who would receive CIL monies. The site is within the area of Bramley Parish Council and as such 15% of the total monies from CIL payments will be received by Bramley Parish Council. The issue of parish boundaries was raised during the determination of the outline application and after a Community Governance Review in 2019 / 2020 it was agreed in late 2020 that the boundaries will remain unaltered. Nevertheless, this does not influence the decision making process of this application.

### Planning Obligations

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

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

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

All of the tests must be complied with and the planning application must be reasonable in all other respects. This is echoed in Paragraph 57 of the NPPF.

In this instance the planning obligations and their associated trigger points for their delivery were set as part of the approved outline permission (ref: RB2019/0894). These included the affordable housing provision, financial contributions towards education provision, public transport, sustainable methods of travel and delivery of green infrastructure and play areas, as well as the establishment of a Management Company to manage and maintain the areas of Greenspace, including the proposed LAP and LEALP. These obligations cannot be amended under the reserved matters application, although a Deed of Variation is to be entered into to secure the appropriate tenure split of affordable housing and the update the application reference number to this reserved matters, as a matter of procedure.

Having regard to the above it is considered that the above obligations meet the criteria set out in a Paragraph 57 of the NPPF and the Community Infrastructure Regulations and are therefore considered to be acceptable.

## Other Considerations

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

In respect of waste management requirements, a Waste Management Plan has been submitted with the application. The document has been assessed and is deemed to be acceptable and complies with policy WCS7.

## **Conclusion**

The site was previously allocated for Green Belt purposes in the former Unitary Development Plan (UDP) but that Plan has been replaced with the adopted Local Plan, which includes the Sites and Policies Document that was adopted on 27 June 2018. The Sites and Policies Document removed the site from the Green Belt and allocated it for 'Residential' purposes. It forms allocated Housing Site H65, has an approved outline permission for 320 dwellings and is located within a suitable distance from local facilities. As such, the principle of residential on this site is well established.

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

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

## **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 5 and 7 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

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

- ii. The details required under condition numbers 5 and 7 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

## **GENERAL**

01

The 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) and in accordance with all approved documents.

MLSR-16-02-01-LocationPlan

MLSR-16-02-02 rev H – Proposed Site Layout

MLSR-16-02-08 – Phasing plan

EF\_TWEE\_SM.2.0 – The Tweed – Brick

MLSRF\_BAKE\_SM.1 – Bakewell Semi – Render

MLSRF\_BAKE\_SM.1 – Bakewell Semi – Brick

MLSRF\_BAKE\_SM.1 – Bakewell Semi – Floor Plans

EF\_CHTR\_DM.1 – Chester – Render

EF\_WINS\_DM.5 – Windsor – Render

EF\_WINS\_DM.5 – Windsor – Brick

EF\_WELW\_DM.8 – Welwyn – Brick

EF\_WELW\_DM.8 – Welwyn – Render

EF-WELW\_DM.8 – Welwyn – Floor Plans

EF\_LL3\_M.4-901 rev A – Ledbury (Four Block) – Elevations – Brick

EF\_LL3\_M.4-903 – Ledbury (Four Block) – Elevations – Render

EF\_LL4\_M.4.0 – Ledbury (Four Block) – Floor Plans

EF\_WARW\_DM.6 rev A – Warwick – Render A1

EF\_WARW\_DM.6 rev A – Warwick – Brick B1

EF\_WARW\_DM.6 rev A – Warwick – Render A2

EF\_WARW\_DM.6 rev A – Warwick – Brick B2

EF\_TAVY\_MM.4 – Tavy (Mid) – Brick

EF\_TAVY\_EM.4 – Tavy (End) – Brick

EF\_STRAQ\_DM.1 – Stratford – Render

EF\_STRAQ\_DM.1 – Stratford – Brick

EF\_SHRB\_DM.3 – Shrewsbury – Render

EF\_SHRB\_DM.3 – Shrewsbury – Brick

EF\_SHAF\_DM.8 – Shaftesbury – Render

EF\_OXFO\_DM.4 – Oxford – Render

EF\_OXFO\_DM.4 – Oxford – Brick

EF\_HIG5\_DM.8 – Highgate – Render

EF\_HIG5\_DM.8 – Highgate – Brick

EF\_HIG5\_DM.8 – Highgate – Floor Plans

EF\_HENL\_DM.6 – Henley – Brick

EF\_HENL\_DM.6 – Henley – Floor Plans

EF\_HARR\_DM.8 – Harrogate – Render  
EF\_HARR\_DM.8 – Harrogate – Brick  
EF\_HARL\_DM.1 – Harlech – Render  
EF-HAMP\_DM.1 – Hampstead – Render  
EF-HAMP\_DM.1 – Hampstead – Brick  
EF-HAMP\_DM.1 – Hampstead – Floor Plans  
EF\_MARO\_DM.3 – Marlow – Render  
EF\_DART\_MM.4 – Dart (Mid) – Brick  
F\_DART\_MM.4 – Dart (End) – Brick  
EF\_CHTR\_DM.1 – Chester – Brick  
EF\_CANT\_DM.7 – Canterbury - Brick  
EF\_CANT\_DM.7 – Canterbury – Floor Plans  
EF\_CAMB\_DM.7 – Cambridge – Brick  
EF\_CAMB\_DM.7 – Cambridge – Render  
EF\_AMBY\_DM.8 – Amberley – Render  
EF\_AMBY\_DM.8 – Amberley – Brick

GAR01\_901 – Single Garages  
GAR10-903 – Twin Garages  
GAR12-905 – Double Garage

MLSR-16-02-04 rev B – Proposed Boundary Treatment Plan  
F-SD0926 – Horizontal rail fencing  
F-SD0906 rev B – Screen Fencing, 1.8m high  
F-SD0900 – Post and Rail Fencing  
F-SD0806 – Free Standing Brick Walls  
F-SD0804 – 600mm high wall with 600mm high railings

P21-0354.002 rev B – Landscape Masterplan  
P21-0354.004 rev C – Detailed Landscape Proposals for Central POS  
SF 3198 LL01 rev A – Landscape Proposals – sample area  
P21-0354.005 rev B – Detailed Play Proposals

MLSR-16-02-03 rev C – Proposed Materials Layout  
MLSR-16-02-05 rev B – Proposed EV Charging Plan  
MLSR-16-02-15 - Temporary Sales Plan  
MLSR-16-02-06 rev C – Proposed Affordable Housing Plan

#### Reason

To define the permission and for the avoidance of doubt.

02

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. MLSR-16-02-03 rev C – Proposed Materials Layout. The development shall thereafter be carried out in accordance with these details, unless otherwise agreed in writing with the Local Planning Authority.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity.

## **HIGHWAYS**

03

Each dwelling shall not be occupied until the charging point as shown on drawing no. MLSR-16-02-05 rev B – Proposed EV Charging Plan, has been provided unless otherwise approved in writing with the Local Planning Authority. The EV charging point shall thereafter be retained.

Reason

In the interests of sustainable development and air quality.

## **ECOLOGY**

04

The development shall be carried out in accordance with the mitigation measures outlined in Section 5.0 of the submitted Preliminary Ecological Appraisal by Smeeden Foreman, dated July 2021; and Sections 4.0, 5.0, 6.0 and 7.0 of the submitted Ecological Mitigation Scheme by Smeeden Foreman, dated July 2021.

Reason

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

## **GENERAL AMENITY**

05

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

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

The approved measures shall be implemented throughout the construction period.

Reason

In the interests of highway safety and residential amenity.

## **WASTE MANAGEMENT**

06

The development shall be carried out in accordance with the submitted Waste Management Strategy unless otherwise agreed in writing with the Local Planning Authority.

Reason

To determine the amount and type of waste that will be produced on site, and how it will be re-used during construction when waste is removed from site. In accordance with the provision of WCS7 of the Barnsley, Doncaster and Rotherham Joint Waste Plan.

## **TREES**

07

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

Reason

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

## **LANDSCAPES**

08

Prior to completion and first occupation of each geographical phase of development, a detailed landscape scheme for Plot landscaping shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be based on the approved Landscape masterplan (Pegasus Environment Drawing P21.0354.002 Rev B) prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

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

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

#### Reason

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

#### 09

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

#### Hard Landscape elements:

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

Soft landscape details shall include:

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

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

Reason

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

10

Landscaping of the Central POS as shown on the approved detailed landscape scheme (Pegasus Environment drawing no. P21.0354.004 Rev C) shall be carried out prior to occupation of the 100<sup>th</sup> dwelling. The site shall be maintained in accordance with approved details for the lifetime of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

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

11

A Landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape and public open space areas shall be submitted to and approved by the Local Planning Authority prior to the completion or first occupation of the part or phase of development to which it relates, whichever is the sooner. The management shall thereafter be carried out in accordance with the agreed management scheme for the lifetime of the development. Any plants or trees which within a period of 5 years from completion of the part or phase of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year

and any defective work or materials discovered shall be rectified before 31<sup>st</sup> December of that year.

#### Reason

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

#### **Informatives**

01

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

02

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

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

03

The South Yorkshire Police Architectural Liaison Officer recommends that the development is designed and built to Secured by Design standards. [www.securedbydesign.com](http://www.securedbydesign.com)

04

Given that the development is comprised solely of dwellings and does not involve flats or mixed use buildings, South Yorkshire Fire and Rescue will be satisfied if the vehicle access provision is in accordance with the recommendations of ADB1: Section B5.

Please note below, a table of information in relation to current SYFR appliance dimensions and weights.

SYFR - Scania Rescue Pumps and Scania Turntable Ladders							
<ul style="list-style-type: none"> <li>➤ MAM (maximum authorised mass).</li> <li>➤ Turning circle, the figure is quoted as "less than" and this is "wall to wall".</li> </ul>							
Type	Turning Circle (Metres)	Front Axle (KG)	Rear Axle (KG)	Height (Metres)	Length (Metres)	Width (Metres)	Weight Gross (KG)
Scania Rescue Pump	<17	6152 kg actual	8086 kg actual	3.38	8.5	2.55 Inc mirrors	14500kg actual
		7500 kg mam	11500 kg mam				18000kg mam
Scania Turntable Ladder	<19	6,356 kg actual	10120 kg actual	3.50	10.5	2.55 Inc mirrors	16476 kg actual
		8500 kg mam	11500 kg actual				18000kg mam

05

The planning permission is subject to a Legal Agreement (Obligation) under Section 106 of the Town and Country Planning Act 1990. The S106 Deed of Variation 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.

06

The proposed site accesses and improvements to the site frontage (pedestrian facilities) as required by both the current application and the original Outline planning permission (RB2019/0894P) will require the developer to enter into a S278 legal agreement with the Council for the works. It is advised that the applicant contacts David Phillips ([david.phillips@rotherham.gov.uk](mailto:david.phillips@rotherham.gov.uk)) to commence the process at their earliest convenience.

## 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.