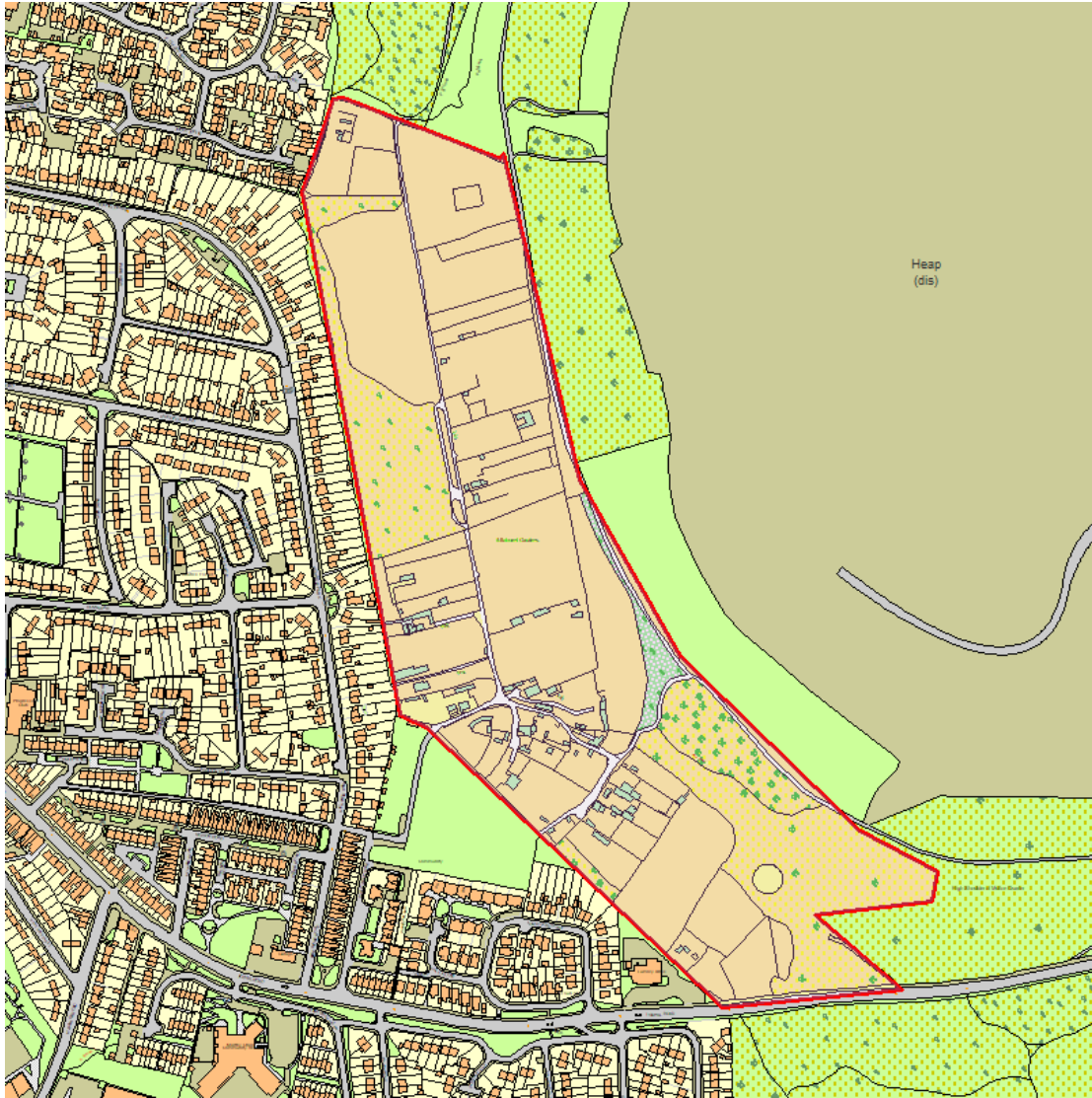


<b>Application Number</b>	<b>RB2022/1638</b> <a href="https://rotherham.planportal.co.uk/?id=RB2022/1638">https://rotherham.planportal.co.uk/?id=RB2022/1638</a>
<b>Proposal and Location</b>	Outline planning application, with all matters reserved except means of access, comprising up to 185 dwellings, vehicle and pedestrian access, parking, public open space, landscaping, balancing ponds and associated works, Land north of Tickhill Road, Maltby
<b>Recommendation</b>	<p>A. That the Council enter into a legal agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> <li>• 25% of the total number of dwellings are to be provided on site for affordable housing provision in accordance with the Council's adopted Policy CS7' Housing Mix and Affordability'</li> <li>• Education Contribution in line with the Council's adopted formulae towards Secondary / SEND resource within the local area.</li> <li>• A commuted sum of £500 per dwelling towards sustainable travel encouragement.</li> <li>• A commuted sum of £181,557 towards improvements to sports facilities for the local community, or in accordance with the outcomes of a Playing Pitch Strategy.</li> <li>• A commuted sum of £40,000 towards the provision of a cycle link between the application site and Glencairn Close.</li> <li>• Establishment of a Management Company to manage and maintain the areas of Greenspace on site.</li> </ul> <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report</p>

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



## Site Description & Location

The application site forms an area of largely disused allotments, woodland and a former sports field set between Maltby and the former Maltby Colliery. The application is set over 15.9 ha and runs from the Tickhill Road along the line of the large Maltby Colliery spoil heap.

The site includes pedestrian accesses to the adjoining residential estate, with two Public Rights of Way (Maltby Footpath no. 2 and Maltby Footpath no. 18) running through the site. The southern element of the site includes Maltby Ancient Woodland.

The site predominantly follows the boundary of the allocated Housing Site H70, though excludes from this allocation the existing public open space area (approximately 1.5 hectares) located at the rear of 161 – 179 (odd) Highfield Park and 8-35 (inclusive) Aldersgate Court. Additionally, the site includes land to the east of the H70 allocation and around the site access which is within the Green Belt (approximately 3.4 hectares) as well as an area to the east allocated Greenspace (approximately 0.4 hectares).

The entrance to the site forms part of the Mallin Croft Wood Ancient Woodland, as well as part of the Maltby Commons and Woodlands Local Wildlife Site, which also runs adjacent to the northern boundary of the site, whilst within the site is Maltby Wood South, a 'candidate' Local Wildlife Site.

## **Background**

MA1951/0089 - Land Adj Woodside Cottages - GRANTED CONDITIONALLY

RB1976/2281 - Environmental improvements works in connection with g.i.a. – GRANTED

MA1967/1122 - Outline for bungalow - REFUSED

## EIA Screening Opinion

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

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

## CIL

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

## **Proposal**

This is an outline planning application, with all matters reserved except means of access, comprising up to 185 dwellings (Use Class C3) including associated works. The proposed housing mix will be finalised during the reserved matters stage, but it will comprise a range of housing types including a mix of terraced, semi-detached and detached housing of between 2 and 4 no. bedrooms. A minimum of 25% of the dwellings will be affordable (secured by a S106 Agreement).

During the application process the applicant has agreed to reduce the overall number of dwellings from 200 to 185. In addition a potential highway link has been included to Council owned land and part of the wider H70 allocation to the west of the application site to ensure this site can be developed in the future.

Approximately 100 no. allotment units will be accommodated on a 1.2 ha area of land at the northern end of the site, and the existing public open space, which measures approximately 3 ha (including woodland), to the west of the centre of the site will be retained and enhanced.

To guide future reserved matters submission, an Opportunities Masterplan has set a minimum and maximum unit height of between 2 and 3 storeys.

A new vehicular access is proposed directly off Tickhill Road at the southern end of the site, as illustrated on the Proposed Site Access Plan. The site access has been designed to industry standards and will include the relocation of the existing speed limit, provision of a right turn facility and improvements to pedestrian facilities. The proposed access has been subject to a Road Safety Audit which has raised no issues and has been accepted by the Council's Transportation Service.

Pedestrian access to the site will be taken via three points on Highfield Park, Leaf Close and at the site access with Tickhill Road on the western and southern boundaries respectively.

The existing Public Rights of Way running through the site (Maltby Footpath no. 2 and Maltby Footpath no. 18) would be retained and enhanced as part of these proposals.

#### Landscaping / Green Infrastructure

The Opportunities Masterplan provides an indication of landscaping and green infrastructure measures across the site. This includes the retention of key green infrastructure across the site, the creation of four 15 metre wide wildlife corridors, new ecological enhancement areas, woodland infill and a green buffer between the new residential properties and the Green Belt to the east. Such measures ensure that approximately 55% of the site is retained as green space.

#### Indicative Layout

The applicant has provided an indicative layout showing how 185 homes could be accommodated on site along with Greenspace, allotments and wildlife/landscaped areas. The plan also shows pedestrian links and the main highway access to Tickhill Road. The plan shows 55% of the application site retained for Greenspace and landscaping, with the remaining 45% to include residential development.

#### Updated Arboricultural Assessment

A total of fifteen individual trees, twenty-five groups of trees, three woodlands and one hedgerow were surveyed as part of the Arboricultural Assessment. Trees were surveyed as individual trees and groups of trees where examples are clearly present as per the description.

No specimens within or adjacent to the application boundary showed any characteristics which would be attributed to Veteran or Ancient classification.

In summary, the low-quality material required for removal to facilitate the proposals would not be considered from an arboricultural perspective to significantly reduce the overall amenity value provided by the surveyed tree cover. The majority of trees will be retained and will provide a high quality setting for the proposed new development.

### Equality and Healthy Communities Checklist

The checklist appended to the relevant SPD has been submitted as part of the application. It highlights the sustainable location of the site, with good potential cycle and pedestrian links. The scheme will also retain a large amount of public open space and allotments to the benefit of both the local community and future residents.

### Ecological Assessment (October 2022)

The assessment has demonstrated that in the absence of mitigation, proposals would lead to:

- Not Significant Negative Effect at a Metropolitan level on Maltby Commons and Woods Local Wildlife Site (Ancient woodland) and Lowland Mixed Deciduous Woodland, with mitigation these effects are reduced to Neutral.
- Significant Negative Effects at a Local level are anticipated in relation to losses of linear features (hedgerows and trees) and < 0.01ha of Lowland Calcareous Grassland. It is not feasible to mitigate these losses, however compensation has been considered and overall net gain has been demonstrated in the Biodiversity Offsetting Strategy.
- Not Significant Negative Effects at a Local level are anticipated in relation to loss of bird and bat habitat, in both cases mitigation reduces the magnitude of this impacts but in the medium to long-term compensation will likely neutralise these impacts.
- Not Significant Negative Effects at a Site level are anticipated in relation to loss of habitat for badger.

### Biodiversity Net Gain (BNG) Report

Baseline habitats were identified, mapped using the UKHab Classification system during a survey at the Site in May 2021 and a detailed botanical survey in June/July 2022 (Figure 1). Condition Assessments were undertaken, based on condition criteria as set out in the Defra 3.1 technical supplement. A Biodiversity Net Gain assessment was then completed for the Site, using the DEFRA Biodiversity Metric 3.1. The BNG report notes that post-development, habitat creation will be undertaken on Site and habitat enhancements within land immediately adjacent to the north of the site and within the blue line boundary.

At present, the on-site baseline consists of 90.87 habitat units and 2.87 hedgerow units. On-site post intervention consists of 84.33 habitat units and 3.12 hedgerow units. The offsite compensation area baseline consists of 81.52 habitat units, with post

enhancement works resulting in 88.87 habitat units. Therefore, proposals will deliver an overall gain of 0.8 habitat units and 0.25 hedgerow units, equating to a 0.88% gain in habitat units and 8.81% gain in hedgerow units.

### Transport Assessment (TA)

A review of personal injury collision data from RMBC has been undertaken for the most recent six year period available. This analysis of collision data has indicated that there are no pre-existing issues with the layout or operation of the highway network which would be exacerbated by the development proposals.

The site is accessible by sustainable modes of transport, particularly by walking and cycling. The site is compliant with the local and national policy objectives and a large proportion of residents and visitors will be able to access and egress the site without needing access to a private car. Furthermore, there are local amenities along Maltby High Street and the A631 Tickhill Road which are accessible on foot including nearby shops, leisure facilities, primary and secondary schools.

A preliminary design for the site access has been prepared. The site access design demonstrates that 2.4 metre X 120 metre visibility splays can be achieved without obstruction along the A631 Tickhill Road from the proposed site access. This confirms that the visibility from the site access is in accordance with the Manual for Streets guidance.

As part of the development, the current 40 mph speed limit on Tickhill Road will be extended to the east of the site access to improve the level of road safety in the vicinity. Also, the nearby traffic island will be relocated away from the new access to assist vehicles turning right out of the site and left into the site.

Based on these trip rates, the development is anticipated to generate 105 two-way trips in the AM peak hour and 100 two-way trips in the PM peak hour.

Results of the operational assessments demonstrated that all the off site junctions which were assessed and the proposed site access will not result in any significant queuing or capacity issues on the network.

Given the above, the TA concludes that the proposed development accords with the requirements of local and National planning policy and that as a result, there are no valid transport or accessibility related reasons why the proposals should not be granted planning permission on highway grounds.

### Travel Plan

The Travel Plan strategy set out within this report details the specific delivery mechanisms that the applicant intends to implement at the site, along with the specific tools that will be utilised by the Travel Plan Coordinator. The Plan proposes:

- To reduce the impact of the site on local congestion and localised parking issues (should they arise);

- To reduce the environmental impact of site-related travel, and promote the company's commitment to environmental values;
- To reduce the need for unnecessary car travel through the promotion of suitable and reliable alternatives to the private car; and
- To raise awareness amongst residents of the detrimental impacts of car use in order to encourage the use of alternative modes of transport.

### Flood Risk Assessment (FRA)

The site is located entirely within Flood Zone 1 - areas shown to be at less than 0.1% chance of flooding in any year, this is sometimes known as having a 1:1000 year chance. There are very few restrictions in terms of flood risk to development on Flood Zone 1 areas, the exception is for development over 1ha in size (as occurs in this instance) which must have a flood risk assessment undertaken as part of a planning application

The submitted FRA demonstrates that the proposed development is not at significant flood risk, subject to the recommended flood mitigation strategies being implemented.

The nearest Flood Zones are located approximately 1km southwest of the site, associated with the Maltby Dike.

In compliance with the requirements of National Planning Policy Framework, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area subject to suitable management of surface water runoff discharging from the site.

### Statement of Community Involvement

The document details how the developer carried out public consultation by using a website, information leaflet sent to 1,179 local properties, and public consultation event. Local Councillors and the Maltby Town Council were informed of the proposals and a media release was issued.

As a result, 49 people provided feedback from the above exercise. Through the consultation various themes of feedback was identified. These were:

- Lack of local infrastructure
- Questions on traffic impact
- Loss of Allotment land

### Heritage Statement

The Proposed Development will not result in a direct physical impact on any designated or non-designated heritage assets. Due to distance, topography, woodland screening and the intervening built environment, there is no inter-visibility between the Site and any designated heritage assets. It is considered that the Proposed Development will have no impact on the significance or setting of any of the heritage

assets identified in the baseline assessment. The potential for any in situ buried archaeological remains from all periods is negligible.

### Geo-environmental Statement

The site is an irregular shaped plot measuring approximately 15.9 hectares, located on Tickhill Road, Maltby. The site currently comprises allotment gardens, amenity/grazing plots, compounds, open space and woodland. The proposed development comprises a residential development.

The site historically comprised of woodland, with the far north of the site encompassing parts of a track and an agricultural field. The majority of the site was no longer depicted as woodland by 1948, with the exception of the north and south east of the site. By 1962, the site comprised allotment gardens, with a recreation ground in the centre west. Parts of the east of the site were depicted in 1981 as part of the neighbouring Maltby Colliery.

The area surrounding the site on the earliest mapping was largely agricultural land or woodland. By 1928, Maltby Colliery was under development approximately 400m east of the site. A tank was depicted approximately 10m to the south in 1948, with an associated works mapped in 1962 and the site later identified as a gasholder station in 1970. The colliery expanded during this period, with the mine area depicted as a spoil heap from 1982. Other industrial activity also occurred in the surrounding area, including a refuse tip and depots from approximately 350m south west of the site. Recent mapping has depicted reduced infrastructure at the former colliery.

The site is underlain by the Cadeby Formation – Dolostone (Principal Aquifer). The Cadeby Formation is underlain by the Pennine Upper Coal Measure, Middle Coal Measures and Lower Coal Measures at depth. Superficial deposits are indicated to be absent from the site. Made Ground is indicated to be present in the east of the site, associated with the former colliery.

The Coal Authority Report has indicated that coal mining has occurred between 738m below ground level (bgl) and 969m bgl beneath the site. There have been numerous damage notices or claims for alleged subsidence damage within 50m of the site boundary. A separate Coal Mining Risk Assessment will address potential risks associated with coal mining.

Based on the predicted geology at the site, a shallow spread foundation may be viable for a lightly loaded residential development; this is subject to ground investigation and assessment of any potential for dissolution features.

The proposed development is considered to pose a moderate/low risk to human health, with the main driver for the risk rating for human health considered to be the potential migration and accumulation of hazardous ground gases associated with potential spoil heap materials and potential Made Ground on the site. The risk posed to controlled waters is predominantly considered to be low due to the lack of a significant contamination source at the site.

### Coal Mining Report



Ground conditions across the site are anticipated to comprise Made Ground deposits beneath the eastern extents of the site, underlain by the Cadeby Formation (Dolostone), which directly underlies the majority of the site. The Cadeby Formation is underlain by the Pennine Upper Coal Measure, Middle Coal Measures and Lower Coal Measures at depth. No superficial deposits are mapped across the site area. Based on British Geological Survey records, the Cadeby Formation is approximately 30m thick with the coal measure formations (typically sandstone, siltstone and mudstone) recorded beneath containing thin coal bands.

A NW-SE trending geological fault is indicated to underlie the southern margin of the site, down throwing to the southwest. No outcrops of coal are mapped on or in close proximity to the site.

Worked coal seams are known to be present at depths in excess of 700m beneath the site area.

Coal seams underlying the site which have a history of spontaneous combustion are not indicated to represent a risk to the proposed development given their significant depth below ground level.

No risks relating to surface workings (opencast mining operations), mine gas emissions or mine shafts have been identified by this report.

There have been numerous subsidence claims made by the residents immediately to the west of the site, 16 of these have resulted in monetary compensation with a further 15 receiving repairs to their property.

Based on the depths to the coal workings and the significant thickness of Dolostone (dolomitic limestone with subsidiary sandstone & mudstones) overlying the Coal Measures, the coal mining legacy is not considered to represent a ground stability risk in the context of the proposed development.

## **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 development (Housing Site H70). For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'

CS3 'Location of New Development'

CS7 'Housing Mix and Affordability'

CS14 'Accessible Places and Managing Demand for Travel'

CS19 'Green Infrastructure'

CS20 'Biodiversity and Geodiversity'  
CS21 'Landscapes'  
CS22 'Green Space'  
CS25 'Dealing with Flood Risk'  
CS26 'Minerals'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
CS30 'Low Carbon & Renewable Energy Generation'  
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 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'  
SP38 'Protecting Green Space'  
SP47 'Understanding and Managing Flood Risk and Drainage'  
SP52 'Pollution Control'  
SP54 'Contaminated and Unstable Land'  
SP55 'Design Principles'  
SP56 'Car Parking Layout'  
SP64 'Access to Community Facilities'  
WCS7 'Managing Waste in All Developments'

### **Other Material Considerations**

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

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

National Planning Practice Guidance (NPPG)

National Design Guide

Nationally Described Internal Housing Standards

South Yorkshire Residential Design Guide

RMBC Adopted Supplementary Planning Documents:

- Transport Assessments, Travel Plans and Car Parking Standards
- Air Quality & Emissions

- Healthy and Equal Communities
- Development Viability
- Natural Environment
- Preparing a Soils Strategy
- Trees
- Biodiversity Net Gain+10%
- Developer Contributions

## **Publicity**

The application has been advertised by way of press and site notice along with individual neighbour notification letters to adjacent properties. 39 letters of representation have been received, including one from Yorkshire Wildlife Trust, Alexander Stafford MP, and two local Councillors. The issues raised by local residents are summarised below:

- Overdevelopment of the site
- Loss and harm to local wildlife
- Additional traffic pressure upon the local road network and the M18 roundabout.
- Local NHS Doctors, Dentists and Schools do not have enough capacity to accommodate the additional demand.
- Loss of existing small holdings and allotments.
- Not enough sewage and drainage capacity to accommodate the new dwellings.

Alexander Stafford MP states that:

- The indicative capacity of the site in the Sites and Policies document is for 150 dwellings. It is therefore surprising that the outline application has been submitted for 200 dwellings. This is a significant increase and needs to be justified during the planning process. I do not think it is acceptable to state that the original number is “indicative” when this is such a substantial increase.
- Many of the concerns raised during the consultation process and with me have been regarding how such a large development will impact further local services and the highways/traffic.
- Raises concerns about lack of local primary health provision.
- Raises concerns about additional traffic and the impact upon local roundabouts.
- Anti social behaviour currently on site should not justify the loss of small holdings on site.

Cllr Adam Tinsley states that:

- There is currently a 2 year waiting list for local dentists in Maltby. In addition a local Doctor's surgery has closed and there is a lack of capacity within Maltby for more dwellings.
- The amount of dwellings will result in an excessive increase in traffic in the local area and cause highway safety concerns/ parking concerns.
- Lack of good local public transport and residents are unlikely to walk or cycle.
- The site could be subject to subsidence and there are concerns about the stability of the nearby spoil heap.

- Local drainage infrastructure cannot handle more dwellings.
- Smallholder with animals will not be able to take up the new smaller allotments.
- Bats haven't been fully identified and the site adjoins an historic woodland.

Cllr Simon Ball states that:

- There is not enough, dental, doctor or school capacity within the local area. The proposal will create additional traffic pressure including the M18 roundabout.

The issues raised by the Yorkshire Wildlife Trust are summarised as:

- The site is located within a heavily designated landscape of protected wildlife site and is close to Maltby Low Common, a Yorkshire Wildlife Trust Reserve which is also designated as a Site of Special Scientific Interest and a Local Nature Reserve.
- Concerns additional recreational pressure upon the nearby Local Wildlife site. Concerns that the proposed public open space may not be adequate to accommodate the various age groups of future residents.
- The proposed access will result in the loss of a small section of ancient woodland.
- At present the scheme shows a small predicted gain in habitat based units (2.27%) and a large net loss in linear hedgerow units (63.15%), and therefore the project at this stage cannot be predicted to achieve net gain overall. The trading rules of the metric are also not met by the proposed scheme.

4 Right to Speak requests have been received from the local MP, a local Councillor, local residents and the applicant.

## **Consultations**

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

RMBC – Affordable Housing Officer: No objections.

RMBC – Tree Service: No objections subject to conditions.

RMBC – Ecology: No objections subject to conditions.

RMBC – Drainage: No objections subject to a condition.

RMBC – Land Contamination: No objections subject to conditions.

RMBC – Landscapes: No objections subject to conditions.

RMBC – Environmental Health: No objections subject to conditions.

RMBC – Education: An Education contribution would be requested for SEND (Special Educational Needs and Disability) / SEMH (Social, Emotional and Mental Health) provision in Maltby

RMBC – Green Spaces: No objections, subject to conditions.

RMBC – Air Quality Officer: No objections.

RMBC – Public Rights of Way – Maltby footpath No.18, runs north to south through the development area, has been acknowledged. Any change to the route of this would require a legal order and temporary closure during development may need to be considered for safety of users.

South Yorkshire Archaeology Service: No objections.

Sheffield Area Geology Trust: No objections.

Severn Trent: No comments have been received.

NHS CCG: Some concerns but overall, no objections.

SY Fire and Rescue: No objections.

SY Police Architectural Liaison Officer: No objections subject to the scheme being built to achieve Secured by Design accreditation.

Sport England: No objections subject to a condition requiring ball strike mitigation and noise mitigation should the playing pitch on site be required following the outcome of the Council's Playing Pitch Strategy. Recommends a commuted sum of £181,557 towards improvements to sports facilities for the local community, or in accordance with the outcomes of a Playing Pitch Strategy.

National Highways: Following additional information, no objection in relation to additional traffic on the M18 Junction 1 roundabout. Recommends a travel plan condition.

The Environment Agency: No objections.

## **Appraisal**

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

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

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

The main considerations in the determination of the application are:

- Principle of the development
- Provision of open space on the site
- Highways
- Drainage and flood risk
- Ecology and biodiversity
- Landscape and tree matters
- General amenity issues – contaminated land, noise and air quality
- Impact on neighbouring residents
- Impact on Education/GPs
- Other issues raised by objectors
- Planning Obligations
- Other Considerations

### Principle

The site is identified in the Sites and Policies Document within Policy SP1 'Sites Allocated for Development' as Housing Site H70 (13.91ha) and it indicates that the total site area has a capacity of approximately 150 dwellings.

CS1 'Delivering Rotherham's Spatial Strategy' states most new development will take place within Rotherham's urban area and at Principal Settlements for Growth. Maltby is identified as a 'Principal Settlement for Growth', which along with Anston and Laughton Common is proposed to provide 1,300 dwellings as part of the Local Plan. This application will help the Council to achieve these targets as well as assisting in achieving the targets set by Central Government in the Housing Delivery Test, which prescribes a set amount of new homes within a rolling three year period that should be built within specific Local Authorities.

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

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

The site is allocated Residential and as such the principle of residential development is acceptable, subject to other material planning considerations.

As set out above the Local Plan for the whole allocation sets out an indicative capacity of 150 dwellings and the submitted planning states the site will accommodate up to 185 dwellings. A Masterplan has been provided which shows how up to 185 dwellings can be provided on site (a reduction from 200 as originally submitted), whilst still retaining woodland, allotments and public open space. As such the site does have potential to provide more than the estimated figure of 150.

The Core Strategy sets a collective requirement of 14,641 homes, whereas the Sites and Policies document only allocates 12,099 with the Plan Period, which is some 2,542 under the target. The Plan does allocate an additional 2,700 homes at Waverley and Bassingthorpe, which would account for this, but it is acknowledged that these are not likely to be fully delivered in this Plan Period.

It is also noted that the 2020 housing delivery test places Rotherham in the “Action Plan” category, which suggests that the additional contribution of this site to housing delivery would assist with wider under-delivery issues across the Borough. Whilst this is not strictly a policy compliance matter, it is material, and assists with considering the deviation from the allocated number of homes on this site and is a positive factor rather than a matter which should cause concern.

In respect of the proposed dwellings on this site exceeding the indicative number for the whole allocation, it is considered that the increased number that could be provided on the whole allocation would be beneficial for ensuring delivery in the Plan Period in line with the Core Strategy target; offers assistance to the Council’s housing trajectory, providing a buffer for under delivery on other sites across Rotherham and therefore a matter should not be considered to cause any harm, when determining this application.

It is considered that the application accords with the requirements of CS1, and further, that the proposed delivery of more capacity than indicated in the site’s allocation is a material benefit of the application which should be given due weight in the determination of the planning application.

Furthermore, the site is accessible to services and facilities, and has public transport nearby and the scheme will create investment in the local economy and provide housing which will assist with relieving those suffering poor access to quality housing opportunities and creating a balanced community. Moreover, the development has been designed to transition well to the adjacent open countryside; maintains a planted buffer area and creates positive green infrastructure provision. The development will also provide suitable drainage infrastructure which will ensure that there is no greater risk of flooding on this site or the surrounding areas.

It is therefore concluded that both the site’s allocation and the brief assessment of the application proposals above, suggests that the application would accord with the principles of policy CS3.

### *Loss of Existing Allotments & Greenspace*

The Site Development Guidelines acknowledge that the proposal will result in the loss of Allotments/Green Space and that any submission needs to include an assessment of Green Space need for both the new residential development and the wider Maltby local community. Part of the site also has a history as being used as a playing field, although the formal playing field ceased some 20 years ago.

Site Development Guideline 3 states:

*“The site currently includes significant areas of green space including allotment gardens and recreation ground. Development proposals involving the loss of open*

*space will need to satisfy Policy SP 38 'Protecting Green Space'. The provision of new Green Space and community facilities will be determined through an assessment of local needs as required to satisfy Policy SP 37 'New and Improvements to Existing Green Space' and Policy SP 64 'Access to Community Facilities'. Around 50% of the site should be retained as green space. This is an indicative figure for guidance. The actual amount to be retained, along with the location and type of green space is to be informed by the assessment of need, and shall accommodate a buffer to the pit tip to the east. The relocation of green space within the site will be supported where this achieves a suitable and viable layout for development. This approach has informed the Council's estimated residential capacity for this site."*

Policy SP38 'Protecting Green Space' states

"Existing Green Space, including open space, sports and recreational land, including playing fields, as identified on the Policies Map or as subsequently provided as part of any planning permission, should not be built on unless:

- a. an assessment has been undertaken which has clearly shown the open space, sports and recreational land to be surplus to requirements and its loss would not detrimentally affect the existing and potential Green Space needs of the local community. The assessment will consider the availability of sports pitches, children's play areas and allotment provision, to determine existing deficits and areas for improvement; or
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the development is for alternative sports and recreational provision and facilities of appropriate scale and type needed to support or improve the proper function of the remaining Green Space in the locality, the needs for which clearly outweigh the loss..."

This policy is echoed in paragraph 99 of the NPPF.

Policy SP37 'New and Improvements to Existing Green Space' states, amongst other things that:

"... Where new on site Green Space provision on site is required, the applicant will be expected to review national, regional and local information where available and, in discussion with the Council and any other body as necessary, prepare and submit an appropriate assessment of demand that is proportionate to the scale and nature of the development proposed. Consideration shall be given to the borough-wide standards for playing pitches and play spaces to determine as appropriate, the composition of any provision that will assist in achieving these standards; specifically:

- i. the Rotherham Playing Pitch Strategy recommendations (subject to periodic review) for provision of mini-soccer, junior and senior football, cricket, and rugby union and league pitches
- ii. whether all new homes would be within 400 metres of an equipped play area (which includes a variety of experiences for different age groups) and 280 metres of Green Space..."



Firstly, in terms of the former playing field part of the site, whilst this is former, it still has some Sport England protection. With this in mind, this part of the site has been retained and the applicant has demonstrated that the area to be retained is of adequate size to accommodate a standard football pitch along with potential run off areas and mitigation for ball strikes.

At this stage the Council has no borough wide playing pitch strategy to assess whether there is demand for the pitch to be brought back into use and any local assessment would be of little use, as the pitch strategy needs to cover sports such as rugby and hockey that have large catchment areas. Work is currently underway on the playing pitch strategy and it is likely to be completed some time next year.

The Council along with Sport England has therefore recommended that a commuted sum of £181,557 towards improvements to sports facilities for the local community, which could include improvements to the nearby leisure centre or maintenance support to local 3G football pitch. The wording of the legal agreement also allows for the money to go towards the restoration of the former sports pitch on site should the Playing Pitch Strategy so recommend. This flexible approach is supported by Sport England and will ensure the local community and local residents have access to adequate sporting provision.

Turning to the allotments, the existing allotments on site are in a poor condition and subject to significant anti-social behaviour and crime. The majority have been abandoned over recent decades, with little prospect of the allotments being brought back into use. The indicative plans show an area to the north allocated for some 100 allotments with direct highway access. The allotment could also be properly laid out with security fencing to prevent anti-social behaviour or crime. The submission includes a letter from the Allotment Society in support of the scheme.

Whilst the overall area of allotments is to be reduced, the quality of provision is to be vastly improved, to the benefit of both future residents on site and the wider Maltby community.

With this in mind the scheme is considered to accord to Site Development Guideline 3 in terms of retaining 55% of the on site Greenspace. It should be noted that there is a variation between the application site area submitted as part of this application and the Local Plan Allocation, with some Green Belt land and Greenspace land also included in the site area. This additional land merely reflects the land ownership and it not to be built on. Its inclusion is also for better long term management of the land including the Ancient Woodland. In terms of calculations, taking out the areas of Green Belt the site area would still provide 50% of the allocation retained as Green Space and therefore is considered to accord with the requirements of the Local Plan.

### *Balancing Ponds Within the Green Belt*

An element of the site at its eastern boundary is located outside the allocated site and settlement limits and so in Green Belt. In such areas, new development is strictly controlled and the construction of new buildings is considered unacceptable subject

to a few specific exceptions. In this case, the indicative layout indicates that no new buildings are proposed in the Green Belt areas of the site.

Other certain forms of development are also considered acceptable in Green Belt including engineering operations providing they preserve Green Belt openness and do not conflict with the purposes of including land within it. The construction of balancing ponds within the Green Belt are considered to be an engineering operation and the test would therefore be whether they preserve the openness of the Green Belt. The ponds would be landscaped and would be of a limited scale given the overall character of the site and their location adjacent to the former Maltby Colliery. It is not considered that they would be detrimental to the openness of the Green Belt and are therefore not inappropriate development. Full details of the ponds would be considered at reserved matters stage to ensure that they are appropriately landscaped and constructed given the Green Belt allocation.

The application is made in outline with only access to be determined at this stage. However, the indicative layout indicates that only open space and works associated with draining the site and creating a number of attenuation ponds are proposed within the Green Belt area.

Whilst the detailed layout and design of the site would be determined at the reserved matters stage, the applicant has indicated that they would accept a planning condition that only non-built development (i.e. the attenuation ponds and any associated infrastructure) could be located in the Green Belt area so defined on the indicative layout.

It is considered that this caveat, covered by a suitable worded condition, along with a condition requiring that details of all engineering and other operations associated with the creation of the attenuation ponds, and any associated infrastructure, is submitted as part of any reserved matters application, would be sufficient to ensure the Council retained control to ensure that no inappropriate development took place within the Green Belt and it did not result in any unacceptable encroachment into countryside. In this form it is considered that the development specifically proposed outside the settlement limit and within Green Belt accords with SP2 "Development in the Green Belt".

#### *Highway Access through Green Belt land*

A small element of the access road lies within the Green Belt around 6m X 30M. In order to create a suitable safe access with appropriate visibility the land within the Green Belt was required.

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

Policy SP2 'Development in the Green Belt' states: "Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In considering planning applications for new development...regard will be had to the following factors: the size, scale, volume, height, massing, position, lighting and any proposed enclosures of the proposals; or screen banks." It further

states: "All new buildings should be well-related to existing buildings, where relevant, and should be of a size commensurate with the established functional requirement..."

Paragraph 150 of the NPPF states: "Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land...and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order."

The applicant argues that the proposed access road constitutes "local transport infrastructure" as referred to in paragraph 150 of the NPPF.

However, it is possible (although case law on this is limited), that building access roads of the nature described could constitute "engineering operations", which is the second bullet point in paragraph 150 and defined as including "the formation or laying out of means of access to highways"; at s336 of The Town and Country Planning Act 1990.

The applicant also states that given the scale, nature and location of the proposed development, any impact on openness would be negligible and would not conflict with the five purposes of including land within the Green Belt under paragraph 138 of the NPPF, and the proposed elements of the development on the Green Belt land would be "not inappropriate" development.

The Council consider the formation of the access road would constitute local transport infrastructure which is required to access a site which is allocated specifically for residential development and thus meets the exception listed at paragraph 150. It is further considered that the proposed access given the character of the area, would not cause substantial harm to the openness of the Green Belt in this location.

Moreover, the access road hereby proposed would not conflict with the five purposes of including land within it. This is due to the fact that the works proposed would not result in the increased sprawl of large built-up areas or result in the merging of neighbouring towns into one another. In addition, it would not encroach into the countryside given the character of the area described above; would not impact on the setting and special character of historic towns and would assist in urban regeneration, by providing an access to an allocated development site.

Notwithstanding the above the applicant has also put forward an argument that very special circumstances exist to outweigh the harm to the Green Belt by way of inappropriateness and any other harm resulting from the proposal, should the Council have deemed the works inappropriate in the Green Belt.

They have stated there is no alternative location within the allocation to accommodate a safe and appropriate vehicular access to the site which is allocated for residential development. Whilst the site allocation adjoins the main highway on Tickhill Road, the allocation is not wide enough at the point that it meets the highway to provide access to the level of residential development proposed. Therefore in order to access the site it is necessary to utilise the small area of Green Belt land adjoining the allocation and this is considered to represent very special circumstances which would outweigh the limited harm to the Green Belt in this location.

Accordingly, it is considered that even if the works were held to constitute inappropriate development, it is considered taking into account all the considerations weighing in favour of the proposal that the harm to the green belt would be clearly outweighed and that 'very special circumstances' would therefore exist so as to justify locating the access road within the Green Belt.

### *Access to Community Facilities*

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

The site would be sited within an appropriate distance to schools, local shops and public transport links. In addition as part of the approval upgraded pedestrian and cycle links are proposed. As such the site is located within close proximity to a range of shops and services and would comply with the requirements of policy SP64.

### *Housing Mix*

Adopted Rotherham Core Strategy Policy CS7 'Housing Mix and Affordability' states: *"Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community."*

This is an outline application with all matters reserved except access, however, the indicative layout shows a mix of two, three and four bed dwellings for both open market and affordable housing (to be secured by way of a Section106 Agreement). It is considered that the indicative layout would provide a mix of dwelling types that would be acceptable and appropriate for this locality.

### *Healthy and Equal Communities*

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

The Checklist has been submitted and assessed by the Council's Public Health department and deemed to be acceptable in this instance.

### *Presumption in Favour of Sustainable Development*

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

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

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

### Provision of open space on the site

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:*

- a) 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 185 new homes and as such the requirement for on-site open space as set out in policy SP37 is 10,175 sq. metres. Furthermore, there is currently no suitable equipped play area within 400m of the site, as such there is a requirement that the developer provides suitable on-site play provision to satisfy policy

SP39 'Design and Location of Green Space, Sport and Recreation', which outlines the principles to be followed when new play spaces are designed.

The Council's Green Space Manager has indicated that the development provides a quantum of public open space which exceeds the minimum public open space required to meet the requirements of policy SP37.

In respect of play provision on site to satisfy policies SP37 and SP39 it is noted that the scheme proposes a central on site LEAP (Local Equipped Area of Play) within easy walking distance of all houses on site. In addition there will be areas of informal open space throughout the site as well a large grassed area to the northern section with new allotments beyond.

The type of play equipment at this stage has not been specified, but the exact details can be agreed as part of the reserved matters stage, to reflect the final mix of house types on site.

Accordingly, it is considered that the type of play is proportionate to the development proposed and the proposal satisfies part of policy SP37 'New and Improvements to Existing Green Space' outlined above and policy SP39 'Design and Location of Green Space, Sport and Recreation', in respect of on-site public open space and play provision requirement.

Further to the above, 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.”*

As previously set out despite the previous use of this site it is allocated for Residential and not Green Space within the Local Plan, however the application will provide on-site green space for both existing residents of the surrounding estate and the future residents of this development. Furthermore, the on-site public open space to be created by this development, whilst smaller in area to the existing, it will provide a significant enhancement on the overgrown, unkempt land that exists presently. It will also remove the unsafe / damaged hardstanding area formerly used as a basketball court. The new open space on site together with the play facilities proposed would be managed and maintained by the developer or a Management Company on behalf of the developer and this will be secured in the s106 Legal Agreement.

It is therefore considered that the proposed development will provide an attractive area of open space that will be available to the community, that will be managed and maintained to ensure it remains such and will provide informal play and recreation for the community by way of the open space and the various play facilities to be provided. It is therefore considered that the development satisfies the requirements of policy CS22.

### Highways

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

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

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

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

- a. *as a priority, the proposals make adequate arrangements for sustainable transport infrastructure; promoting sustainable and inclusive access to the proposed development by public transport, walking and cycling, including the provision of secure cycle parking, and other non-car transport and promoting the use of green infrastructure networks where appropriate;*
- b. *local traffic circulation, existing parking and servicing arrangements are not adversely affected;*

- c. *the highway network is, or can be made, suitable to cope with the traffic generated in terms of the number, type and size of vehicles involved, during construction and after occupation;*
- d. *schemes take into account good practice guidance published by the Council including transport assessment, travel plans and compliance with local Residential and Commercial Parking Standards to ensure there is a balance struck between access for motor vehicles and the promotion of sustainable access."*

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."*

Site Development Guideline 5 states: "A Transport Assessment will be required. This should include consideration of the impact of development on Queens Crossroads, measures to promote sustainable travel including pedestrian and cycle links to and through the site (including those necessary to access bus routes along Grange Lane and Tickhill Road), and demonstrate how an acceptable access from A631 Tickhill Road can be achieved. Any new junction with the A631 should be designed to Design Manual for Roads and Bridges standards. This may require associated works such as a right turn lane and the relocation of the existing pedestrian refuge."

The Council's Transportation Infrastructure Unit have provided the following comments:

The scheme complies with both national guidance and industry standards, it is in accordance with the Local Plan and National Planning Policy Framework in that it promotes sustainable travel / transport, it has safe and suitable access for all highway users, the scheme if implemented will not have an unacceptable impact on highway safety and the residual cumulative impact on the road network will not be severe.

#### *Trip Generation/ Traffic Impact*

The Council along with National Highways have assessed the impact upon



- Site Access / A631 Tickhill Road
- A631 Tickhill Road / Hamilton Road
- A631 Tickhill Road / Grange Lane / Muglet Lane / A631 High Street
- A631 Bawtry road
- M18 junction 1

The local road layout is considered adequate to accommodate the additional traffic generated by the scheme.

#### *Car and cycle parking*

Parking will be provided across the development in accordance with the parking space requirements for each dwelling with the provision of a driveway, garage or dedicated parking area provided dependent on the dwelling size, in line with standards set out in the Councils parking standards SPD12. This matter will be addressed at any future reserved matters application.

#### *Pedestrian accessibility*

The existing pedestrian refuge located near to the proposed site access on Tickhill Road, is to be relocated slightly to the west of it's current position. This will ensure that vehicle access to the site can be achieved, and that a crossing point is available for pedestrians wishing to access nearby bus stops or access the wooded area opposite the proposed development.

As part of the proposed highway improvement works, the existing macadam footway on the south side of Tickhill Road which terminates prior to the development frontage, is to be extended to the point where access is gained into the wooded area opposite the proposed site access. This will result in an existing grass verge being converted to footway.

It should also be noted that as part of this application, the developer has agreed to enter into a S106 agreement with the Council so as to pay £40,000 towards the provision of a pedestrian / cycle route connecting the proposed development and Glencairn Close and any additional route signage for pedestrians / cyclists heading towards Maltby town centre.

#### *Public Transport*

The TA's claim that the site is accessible by public transport is accepted although no consideration has been given to the spare capacity of the services available. Bus stops are located close to the site access on Tickhill Road.

#### *Cycling Accessibility*

The A631 Tickhill Road has a shared use cycling footway that extends from Haydn Road to the Lumley Arms. Investigations into whether this facility can be extended to the proposed development should be undertaken. In addition, there are other dedicated cycle links that can be accessed within a reasonable distance. There is a

range of amenities and employment areas accessible via the local highway network located within an acceptable cycling distance (5Km) of the site.

As mentioned above, the developer has agreed to provide £40,000 of funding to provide an improved pedestrian / cycle route connecting the proposed development and the adjacent housing area, improved signage will also be provided if required to assist pedestrians and cyclists heading toward Maltby town centre.

### *Road Safety*

Recent accident records show that there are no major road safety issues in the immediate vicinity of the site access.

In addition, a stage one road safety audit has been undertaken by the developer on the proposed highway improvements. The designers response to the issues raised in the stage one road safety audit have been agreed by officers within the Transportation Unit.

### *Travel Planning*

Given the public transport connectivity of the site the developer has agreed to provide a sustainable transport contribution of £500 per dwelling to be used to fund a variety of measures encouraging residents to travel sustainably, secured by a S106 legal agreement and monies should be paid prior to the first dwelling occupation in full. This will enable the measures to be implemented before residents establish travelling patterns. A travel plan has been submitted, but a condition is still required to enable enforcement.

### *Site Layout*

Whilst the submitted layout is for illustrative purposes only, I would advise that future details should be designed and constructed in accordance with the South Yorkshire Residential Design Guide / Manual for Streets. An Agreement under S38 Highways Act 1980 would be required.

In view of the above it is considered that the site can be adequately accessed from the Tickhill Road and subject to the final approved layout and legal agreement requirements will be a sustainable location, encouraging cycling and walking to and from the site.

### Drainage and flood risk

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

*"Proposals will be supported which:*

- a. do not result in the deterioration of water courses and which conserve and enhance:*
  - i. the natural geomorphology of watercourses,*
  - ii. water quality; and*

- iii. *the ecological value of the water environment, including watercourse corridors;*
- b. *contribute towards achieving 'good status' under the Water Framework Directive in the borough's surface and groundwater bodies*
- c. *manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;*
- d. *improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,*
- e. *dispose of surface water appropriately according to the following networks in order of preference:*
  - i. *to an infiltration based system wherever possible (such as soakaways)*
  - ii. *discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)*
  - iii. *discharge to a public sewer"*

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

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

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

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

The submitted FRA indicates that: *"To mitigate the development's impact on the current runoff regime it is proposed to incorporate surface water attenuation and*

storage as part of the development proposals.” This would allow for surface water to flow off site at a controlled rate. The FRA further indicates that: “The foul water from the development will be discharged to the public sewer in Tickhill Road.” The Council’s Drainage Section have indicated that they have no objection to the scheme and agree with the submitted Flood Risk Assessment. As this scheme is outline only, the reserved matters will need to include detailed drainage plans, including Sustainable Urban Drainage.

Therefore, having regard to the above and subject to the recommended condition 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 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 SP34 ‘Sites Protected for Nature Conservation’ states: *Development or changes of use on land within or outside a statutorily protected site (either individually or in combination with other developments) which would adversely affect the notified special interest features, fabric or setting of the statutorily protected site will not be permitted. Development that would either directly or indirectly, adversely affect a non-statutorily protected site will not normally be permitted. An exception should only be made where the need for the development in that location outweighs both the impact on the site’s intrinsic interest and any broader impacts on the national network of protected sites, and that adequate mitigation and /or compensation measures can be delivered.*

*Before any development or land use change that may affect a protected site is commenced any measures considered necessary to mitigate or compensate for any harm to the site or its features of interest must be agreed and put in place.*

*Development adjacent to a protected site will be expected to incorporate adequate buffer zones or other measures to support the conservation of protected sites.”*

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:*

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

- f) 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 site lies directly adjacent/incorporates Local Wildlife Sites and candidate sites. The Site Development Guidelines for this site require a 15 metre buffer zone to minimise any impact on these areas. The site layout has been amended during the course of the application and now includes a 15 m buffer between any built form of residential properties and the Local Wildlife Site within the site. The area to the north is bounded by the proposed allotments and is considered as part of the potential Biodiversity improvements proposed as part of this application.

A Preliminary Ecological Appraisal has been submitted in support of the application and has been assessed by the Council’s Ecologist who has raised no objections to the appraisal or its contents. They have indicated that the mitigation measures contained in the PEA should be conditioned, this includes:

- An ecologically sensitive planting plan to ensure areas of public open space and other landscaped areas comprise native plant species.
- Areas of POS should be accessible for foraging and commuting badgers with appropriate fencing installed, and during the construction phase any excavations should be covered overnight.
- Bird nesting boxes should be incorporated into the development.
- Gaps should be provided within boundary treatments of gardens to enable hedgehogs to continue to move through the Site.
- Landscaping proposals should incorporate native flowering species within areas of wildflower grassland, hedgerows, tree planting and ornamental planting.
- Himalayan balsam and cotoneaster were found at the Site. Himalayan balsam should be eradicated. Cotoneaster sp. Should be removed using hand tools and the entire plant should be removed and bagged separately to other vegetation. This should then be transported to a suitable green waste facility which is made aware of the contents.

In addition, a Bat Survey was submitted which noted that the site may potentially offer suitable roosting, foraging and commuting habitat for bats. Bat activity surveys and an inspection of trees on Site for roosting bats were undertaken. Foraging and commuting bat activity was considered to be very low during each transect survey and species diversity was low with up to three species recorded during the surveys.

Notwithstanding the above, the survey recommends the inclusion of bat boxes within the development to provide a positive enhancement for nature conservation and a bat sensitive lighting scheme should be implemented.

The Council's Ecologist has confirmed that these should be conditioned and subject to those conditions the scheme would raise no ecological issues as the mitigation outlined above, together with the enhanced planting scheme will provide some enhancement.

The objection raised by the Yorkshire Wildlife Trust is noted and updated information has been submitted by the applicant and considered by the Yorkshire Wildlife Trust who have indicated that they are pleased to see that an EclA has now been produced to fully explore the ecological impacts of the scheme.

They have also indicated that they would like to see how the development can delivery Biodiversity Net Gain. This is indicated as a recommendation in the updated PEA. The PEA states the following in terms of recommendations:

- 48 bat boxes comprising 38 Habitat 3S building integrated bat boxes (or equivalent) and ten tree mounted Schwegler 2F bat boxes (or equivalent) will be installed at the Site, the total of which will provide bat roosting provision on 30% of properties at the Site. The bat boxes will be placed at a minimum height of 4 m in a number of locations facing different aspects to maximise the chances of occupation. Northern aspects will be avoided.
- 48 bird boxes will be installed in order to provide bird nesting provision on 30% of properties at the Site. The bird boxes will be placed at a minimum height of 3 m in a number of locations facing different aspects to maximise the chances of occupation. Full south aspects which receive sun all day during the summer months present a risk of overheating and should therefore be avoided.
- Gaps shall be provided within boundary treatments of gardens to enable hedgehogs to continue to move through the Site.
- Landscaping proposals shall incorporate native flowering species within areas of wildflower grassland, hedgerows, tree planting and ornamental planting.

Yorkshire Wildlife Trust also make reference to a 10% increase and a matrix which was part of the recent Environment Act. However, this matrix and figure is not yet a legal requirement for applicants and as such cannot be requested at this time. Notwithstanding, the NPPF at paragraph 174 d) requires that planning decisions enhance the natural and local environment by *“minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”*.

In light of the above and given the updated PEA states within the recommendations section that a Biodiversity Net Gain Assessment will be undertaken, it is considered relevant to impose this requirement as a condition.

It is considered that the supporting information and proposed works demonstrate that there is no net loss of biodiversity across the site as required by Local Plan Policies. The requirement for a 10% net gain is not yet in force and as such the proposals are considered to be acceptable in Policy terms.

Therefore, subject to conditions it is considered that the updated ecological documents have overcome the concerns of the Yorkshire Wildlife Trust and subject to the requirements of recommended conditions being implemented the application would be acceptable from an ecological perspective.

#### Landscapes, Trees & Loss of Ancient Woodland

The site has a boundary with greenbelt to the east and lies within the local character area of East Rotherham Limestone Plateau. This is described in Rotherham's Landscape Character Assessment of 2010 as generally being of moderate strength of character in Moderate condition. The focus of any landscape management proposals for this character area, given its character and condition should be to improve and conserve features which contribute positively to its overall character. The site also falls within the Maltby Green Infrastructure Corridor.

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."*

As referred to above the design guidance for the site requires 50% of the site to be retained for Green Space. The Council's Landscape Design Team notes that whilst

the scheme is outline only the scheme provides opportunity from landscaping buffers to the Green Belt boundary along with the Ancient Woodland.

With regard to trees the main groups of trees within the site will be retained, with some individual trees and smaller groups removed to make way for the development. These will be compensated for with new tree planting across the site.

Finally the southern access point includes an area of ancient woodland, which needs to be crossed to access the site and is the only point of access. This part of ancient woodland contains few trees and is mainly a paddock and appears to have been for many decades. The actual presence of ancient woodland on site is therefore limited and the development does not result in significant loss of trees from the area shown as ancient woodland. Only a small number of relatively poor trees need to be felled to allow the development and the proposal includes significant areas of replacement planting across the site to enhance the overall sylvan character, particularly close to the site entrance.

The NPPF states that:

development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists...

During the consideration of the application, the indicative layout has been amended to provide more separation between the built form of the development and both the ancient woodland and the Local Wildlife Site. The site development guidelines accept that the access to the residential allocation would have to cross part of the ancient woodland and it is considered that this has been shown sympathetically to minimise any loss of trees and damage to this area. The actual ancient woodland is limited and appears to actually represent a small number of trees – the vast majority of which will be retained. In this instance, it is considered that suitable compensation will be provided across the site for the loss of any ancient woodland (the loss only represents poor quality trees) and is therefore acceptable in this instance.

#### 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 general amenity terms the Environmental Health Section note that the site is adjacent to residential properties and as such 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 Tickhill Road, and due to the level of development proposed a Construction Management Plan to control such issues, should be provided and approved prior to any works commencing on site.

A Construction & Environment Management Plan (CEMP) has been submitted in support of the application and has been deemed to be acceptable and as such a condition requiring the construction phase (including any demolition) is carried out in accordance with the submitted and agreed CEMP.

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

NPPF states at paragraph 112 that amongst other things applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Air quality in the Maltby area is generally good, however emissions to air resulting from all new developments should be mitigated. The proposed development as set out in the adopted Rotherham SPD 'Air Quality and Emissions' will be required to provide each property with an electric vehicle charging. A condition has therefore been attached requiring electric charging points for each new dwelling.

Accordingly, there are no issues in respect of air quality impact from the development and subject to the aforementioned condition the scheme would comply with policy CS30, the adopted SPD 'Air Quality and Emissions' and paragraph 110 of the NPPF.

From a land contamination perspective, the Land Contamination Officer has indicated that there is potential for significant contamination to be present associated with the current and historical uses of the site. A portion of the land along the eastern boundary is anticipated to comprise of made ground associated with the former spoil heaps and Maltby Colliery. Contamination is also anticipated to be present from activities associated with the allotment land use, including areas of burning and surface discarded asbestos containing materials.

It is recommended that Intrusive Site Investigations be undertaken across the site to assess for the potential presence and extent of contamination within the soils and groundwater and to adequately characterise ground conditions to provide the necessary geotechnical data for foundation design.

Remediation works are likely to be required to bring the site back to a suitable condition to be protective of human health for its proposed residential end use.

In addition to the above, the site is located within a Mineral Safeguarding Area for coal, clay, limestone and is also in a PEDL area. Policy CS26 'Minerals' states: *"Proposals for non-mineral development within the Mineral Safeguarding Areas...will be supported where it can be demonstrated that:*

- a. the proposal incorporates the prior extraction of any minerals of economic value in an environmentally acceptable way; or*
- b. mineral resources are either not present or are of no economic value; or*
- c. it is not possible to extract the minerals in an environmentally acceptable way or this would have unacceptable impacts on neighbouring uses or the amenity of local communities; or*
- d. the extraction of minerals is not feasible; or*

- e. *the need for the development outweighs the need to safeguard the minerals for the future; or*
- f. *the development is minor or temporary in nature; or*
- g. *development would not prevent the future extraction of minerals beneath or adjacent to the site...”*

The application is accompanied by a geo-environmental appraisal which offers information relevant to the likelihood of extraction occurring on this site.

The applicant considers it unlikely that the site would be granted future permission for extraction of minerals, this is due to the unacceptable impacts on nearby residents such work would raise, and it would not be economically feasible and as such development for residential purposes is not considered a loss of a future resource. The assessment submitted by the applicant shows that the scheme would satisfy points c to g of policy CS26 and as such the policy has been satisfied as the development is only required to comply with one of the criteria above.

In addition to the above, 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 retention and re-use of soils on site will need to be considered in full as part of the reserved matters application and dependant on the outcome of future land contamination reports and the type of contamination found on site.

The development will provide new greenspaces, landscaping and garden areas that will be permeable and help avoid soil erosion by being bound with planting and slowing water flows within and off the site.

Should it be required to import soils to create the landscaped and garden areas, those materials will be certified clean.

With this in mind it is considered that the proposals accord with policy SP36 ‘Soil Resources’.

#### Impact on neighbouring residents

In terms of the impact upon neighbouring residents, the submitted plan at this stage is indicative only, but shows residential dwellings backing onto dwellings on Lumley Crescent and Highfield Park. These neighbouring dwellings have large rear gardens around 25m to 30m and as such any new development on the allocated site can be designed to ensure that neighbours are not unduly overlooked or do not face larger blank gables close to their rear garden boundary. The detailed layout will be

considered at reserved matters stage and it can therefore be ensured that adequate separation distances are achieved as shown on the indicative layout.

#### Impact on infrastructure, including Education and local GPs

It is noted that concerns have been raised by local residents regarding how this scheme will impact on local infrastructure such as the road network, local schools and health facilities.

With regard to the impact on the local road network this has already been assessed and considered acceptable as set out in this report.

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 this site and others in the area.

With regard to the impact on schools, the Education Service have noted that an Education contribution would be required towards Secondary, SEND (Special Educational Needs and Disability) or SEMH (Social, Emotional and Mental Health) school places in the Maltby area, the financial contribution would be secured via a S106 legal agreement and the figure would be in line with the Council's adopted formulae within the Education Policy. This figure is £2,521 per unit (excluding Affordable Housing), including 25% increase on properties of 4 or more beds = £3,151 and 25% decrease on properties of 2 or less beds = £1,890.

In respect of health care provision, the NHS Rotherham Clinical Commissioning Group (CCG) have indicated that the number of houses and an increase of approximately 400 residents in this case has the potential to create a pinch point for existing primary care services. However, although existing services are stretched they will cope better with gradual growth, in addition the NHS are now using a Primary Care network approach along with new ways of working e.g. telephone and video consultation. Furthermore, developments such as this usually cause population movement around the Borough e.g. young adults moving out of family homes and not significantly new population and therefore it is usually the case that patients are already registered with local practices and so can be accommodated.

It is further of note that in respect of local healthcare provision, the most recently published Rotherham Community Infrastructure Levy (CIL) Annual Infrastructure Funding Statement makes it clear that under Regulation 121A, the Council may fund through CIL receipts a wide range of eligible infrastructure, which notably includes Healthcare.

The application site is located within "Residential Zone 3 – low" and the Council's adopted Community Infrastructure Levy payable is based on the additional floor space created by the development. In this locality that equates to £17.60 per sq. metre, but the figure is subject to variation depending upon the indexed figure at the time of payment(s) being triggered.

Accordingly, once the CIL money is paid to the Council in line with the adopted Instalments Policy set out in the adopted CIL document, various public bodies including internal Council departments can bid for money, not just generated by CIL from this development but generated by other developments around the Borough to be spent on infrastructure projects which can include healthcare facilities.

In respect of the impact of the development on health facilities, the NHS Clinical Commission Group (CCG) have been consulted on the application and have advised that consideration needs to be given to the impact on general practices and their estate. Accordingly, the CCG have recognised that there are areas of the borough that are experiencing capacity concerns and as such they are working internally to establish whether funds generated through the planning process, from new residential developments in these areas, could assist in the provision of future primary care.

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

It is also of note that 15% of the CIL money generated from this development would go to the Town Council, to spend on various infrastructure projects in the Maltby area. The Town Council, along with the NHS CCG would have the opportunity to bid for other CIL money that is generated from any CIL charging development from anywhere in the Borough.

It is therefore considered that in terms of impact on infrastructure there are mechanisms and processes in place to ensure that any impact is minimal and can be suitably mitigated.

### 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 respect of obligations, it is of note that the applicant has agreed to the following contributions:

A commuted sum of £500 per dwelling towards sustainable travel encouragement.

The money requested by the Council's Education Service will be for the Education Contribution in line with the Council's adopted formulae towards Secondary / SEND resource within the local area. This figure is £2,521 per unit (excluding Affordable Housing), including 25% increase on properties of 4 or more beds = £3,151 and 25% decrease on properties of 2 or less beds = £1,890.

It is also of note that a commuted sum of £181,557 towards community sport provision in the area is proposed, to provide adequate sport provision in the area to support the increase in local population resulting in the development. There is a caveat built into the s106 that allows for an alternative scheme if required by the outcomes of the upcoming Borough Wide Playing Pitch Strategy, which could include the former playing pitch on site being brought back into use.

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, it is considered that the information provided in the planning statement and design need to be looked at in more detail at the reserved matters stage to meet policy WCS7 'Managing Waste in All Developments'. As such a Waste Management Plan complying with WCS7 will need to be submitted and will be secured by way of condition to any permitted scheme.

Site Development Guidelines No. 1 states: "Development proposals will need to be supported with a Heritage Statement for Archaeology prepared in line with the requirements for site classification 2 highlighted blue in Table 17 'Heritage Statement for Archaeology Requirements'".

An Archaeological Written Scheme of Investigations. South Yorkshire Archaeology Service have assessed the documents and stated that they can confirm there are no archaeological objections to development, and that no further archaeological work is required. Whilst in some circumstances we might apply a suitable condition to ensure that the results of the archaeological work conducted were suitably completed and archived. This will not be necessary in this instance, considering its negative results and reassurances from the archaeological contractor that archiving is in hand.

### **Conclusion**

Having regard to all of the above and the issues raised by the objectors it is considered that the site is allocated for residential purposes in the Council's adopted Local Plan, as such the principle of residential on this site is acceptable. Furthermore, whilst there is a loss of sports facilities on this site, the facilities have not been in use for a number of years and the mitigation set out in the s106 together with the proposals put forward

on and off-site will compensate for this loss and will provide the local community with new modern facilities that will be suitably managed and maintained. The mechanisms for obtaining the monies towards the Playing Pitch Strategy and the replacement sport facilities set out in the signed s106 have been agreed with Sport England and as such the development has the support of Sport England.

In addition, the scheme put forward will provide much needed new housing on an allocated housing site close to local facilities and in a sustainable location that would not result in significant impact on the local highway network, air quality or the environment. In fact, it is considered that the scheme put forward with the landscaping, EV charging points and public open space will help in providing a enhancement in terms of biodiversity and sustainable transport methods.

It is therefore, considered that having considered the planning balance the scheme put forward satisfies the requirements set out within both national and local planning policies and guidance, and for the reasons set out in this report the application is recommended for approval subject to conditions and the signing of the s106 legal agreement.

### **Conditions**

01

- a. Application for approval of reserved matters must be made within three years of the date of this permission.
- b. The development hereby approved must be begun not later than whichever is the later of the following dates:
  - i. The expiration of five years from the date of this permission; OR
  - ii. The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

#### **Reason**

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

02

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

#### **Reason**

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

03

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and shall be carried out in broad accordance with the following plans:

Indicative Site Layout (PL03 N)

## Proposed Site Access Plan (Drg No 21/186/TR015 and Drg No 21/186/TR013 Rev B)

04

The submission of any reserved matters application pursuant to this outline permission, shall include a schedule of the mix of market and affordable dwellings proposed within that parcel demonstrating how the proposed mix relates to the overall mix of market dwellings within the development site as a whole, taking into account the indicative mix of dwellings detailed within the Illustrative Masterplan (PL03 N) and local knowledge of market demand. The schedule shall also include, but not limited to:

- the size of all units including market sale and the affordable housing units
- their type (detached, semi-detached, terraced, bungalows, flats)
- two/ three storeys,
- number of bedrooms,
- toilets,
- car/cycle parking provision per unit,

The affordable housing property types should reflect the same percentage proportions of the market homes unless a different mix is requested by the Council.

### Reason

To ensure that the overall mix of dwellings across the site as a whole is based on the indicative housing mix stated in the Illustrative Masterplan, which seeks to ensure development contains a mix of residential units providing accommodation in a range of types, sizes and affordability, to meet local needs in compliance with Policy CS7 'Housing Mix & Affordability'."

### Reason

To define the permission and for the avoidance of doubt.

05

Prior to construction works commencing above ground level details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to the Local Planning Authority or samples of the materials shall be left on site, and the development shall thereafter be carried out in accordance with the approved details/samples.

### Reason

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

06

No above ground development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected and a timetable for its erection. The boundary treatment shall be completed in accordance with the approved timescales.

### Reason

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



## TRANSPORTATION

07

The proposed on-site layout shall be designed and constructed in accordance with the South Yorkshire Residential Design Guide (or any subsequent document that replaces it) and include the provision of a prospectively adoptable footpath/cycle link to the western site boundary (close to Glencairn Close)

Reason

In the interest of highway safety and to promote walking/cycling.

08

Car parking facilities shall be provided in accordance with the Council's Car Parking Standards (SPD12).

Reason

In the interest of highway safety.

09

Prior to the commencement of works details of the proposed vehicle access, relocated pedestrian refuge, right turn lane and works associated with the alteration to the change in speed limit location as indicated in draft form on Drg No 21/186/TR013 Rev B on Tickhill Road shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented prior to the occupation of the first dwelling. (This will require the developer to enter into a S278 agreement with the Council, the applicant should contact [david.phillips@rotherham.gov.uk](mailto:david.phillips@rotherham.gov.uk) in this regard)

Reason

In the Interest of highway safety.

10

Prior to the commencement of works details of the proposed footway extension in Tickhill Road as indicated in draft form on Drg No 21/186/TR015 shall be submitted to and approved by the Local Planning Authority and the approved details shall be implemented prior to the occupation of the first dwelling. (This will require the developer to enter into a S278 agreement with the Council, the applicant should contact [david.phillips@rotherham.gov.uk](mailto:david.phillips@rotherham.gov.uk) in this regard)

Reason

In the interest of highway safety.

11

Prior to the commencement of works a Construction Traffic Management Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for; Vehicle routing / storage / loading / unloading of materials / plant; and car parking facilities for the construction staff and details of access to the site will be legally achieved e.g. s184 or via s278 agreement.

Reason

In the interest of highway safety.

12

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

Reason

In order to promote sustainable transport choices.

13

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

Reason

In order to promote sustainable transport choices in accordance with Supplementary Planning Document 2 'Air Quality and Emissions'

AMENITY

14

All subsequent applications for the approval of reserved matters shall include a Construction Environmental Management Plan (CEMP) shall be provided to the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction and demolition related activities – Contractors and site staff are expected to use the best practical means to minimise noise on site. Regard shall be had to the guidance detailed in BS5228 2009: 'Noise and Vibration Control on Construction Sites'.
- Dust arising from all construction and demolition related activities - Contractors and site staff are expected to use the best practical means to minimise dust on site. Regard shall be had to the guidance detailed in Institute of Air Quality Management- Guidance of the assessment of dust from demolition and construction 2014.
- Artificial lighting used in connection with all construction related activities and security of the construction site - Contractors and site staff are expected to use the best practical means to minimise light nuisance on site. Regard shall be had to the guidance detailed in the Institute of Lighting Professionals - Guidance Note 01/21 – Reduction of Obtrusive Light.

The CEMP to be submitted shall be in report format and as a minimum is to include the following details as specified in the subheadings below:

- Program and Phasing Details
  - Site layout
  - Operational hours
  - Expected duration of demolition and construction work phases
- Site Management
  - Contact details of site manager for public liaison purposes
  - Complaints procedure
  - Roles and responsibilities
- Routes for Construction Traffic
  - Routes to be used for access onto site and egress
  - One way systems
  - Haul routes (onsite and delivery)
- Site Access, Storage and Movement of Materials
  - Delivery access point details
  - Location details of storage areas
  - Delivery times of materials and plant
- Dust, Debris and Mud
  - Screening and hoarding
  - Preventative measures
  - Dust suppression measures -General and machinery
  - Wheel wash facilities
  - Road sweeping facilities
  - Covering of dusty stockpiles
  - Vehicles carrying dusty loads
  - Dust monitoring
  - Boundary checks
  - Monitoring of weather including wind speed and direction, dry conditions etc
- Noise and Vibration Control
  - Silencing of vehicles, plant and machinery
  - Mitigation measures for noisy operations
  - Operational hours
  - One way systems
  - Vehicle reverse alarms
  - Leaflet drops to noise sensitive premises
- Artificial Lighting
  - Hours of operation of the lighting
  - Location and specification of all of the luminaires
  - Level of maintained average horizontal illuminance for the areas that needs to be illuminated
  - Predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity

- Measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site

- Waste Management
- Waste storage
- Waste collection
- Recycling
- Waste removal

#### Reason

To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Part 15 of the NPPF and RMBC Policy SP52.

#### LANDSCAPE, TREES AND ECOLOGY

15

All subsequent applications for the approval of reserved matters shall include a tree survey in accordance with BS 5837:2005 Trees in Relation to Construction Recommendations section 4.2 to 4.5. to include all the existing trees on and adjacent to the site that may be affected by any development and the following details;

- 1) Reference number (to be recorded on the tree survey plan to a scale and level of accuracy appropriate to the proposal);
- 2) Species (common and scientific names, where possible);
- 3) Height in metres;
- 4) Stem diameter in millimeters at 1.5 m above ground level (on sloping ground to be taken on the upslope side of the tree base) or immediately above the root flare for multi-stemmed trees;
- 5) Branch spread in metres taken at the four cardinal points to derive an accurate representation of the crown (to be recorded on the tree survey plan);
- 6) Height in metres of the crown clearance above adjacent ground level (to inform on ground clearance, crown stem ratio and shading);
- 7) Age class (young, middle aged, mature, over-mature, veteran);
- 8) Physiological condition (e.g. good, fair, poor, dead);
- 9) Structural condition, e.g. collapsing, the presence of any decay and physical defect;
- 10) Preliminary management recommendations, including further investigation of suspected defects that require more detailed assessment and potential wildlife habitat;
- 11) Estimated remaining contribution in years (e.g. less than 10, 10-20, 20-40, more than 40)
- 12) R or A to C category grading (see table 1) to be recorded and indicated on the tree survey plan

In addition the following details shall also be submitted for consideration and approval.

- root protection areas (RPA)
- a tree constraints plan (TCP)
- construction exclusion zones
- tree protection plan (TPP)

- arboricultural implication assessment (AIA)
- arboricultural method statement (AMS)
- existing and proposed contours and levels

#### Reason

In order that the Local Planning Authority may consider the desirability of retaining trees in the interests of amenity and in accordance with relevant Local Plan Policies.

16

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

#### Reason

In the interests of the visual amenities of the area and in accordance with relevant Local Plan policies.

17

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority.

#### Reason

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

18

Any subsequent reserved matters applications shall include Biodiversity Enhancement & Management Plans (BEMPs) for each site and take account of the information shown within the submitted Biodiversity Supporting Documents including for proposed enhancements within the blue line boundary. The Plans shall provide a:

i) Description and evaluation of features to be managed and enhanced or additional measures to be provided; including

a) Description of new landscape planting incorporating native plant species

b) Gaps of suitable dimensions (130mmx 130mm) should be provided at the foot of permanent perimeter and boundary fences at selected points to permit the movement of hedgehogs around the site post construction.

c) To ensure that holes are kept open 'Hedgehog Highway' signage should be provided (sourced by Peoples Trust for Endangered Species and/or British Hedgehog Preservation Society) and secured above the holes.

d) The location and number of bat roosting features should be included within the new residential properties

e) The location and number of bird nest boxes should be integrated into the new residential properties.

- ii) Extent and location/area of all proposed enhancement works on appropriate scale maps and plans;
- iii) Aims and Objectives of management;
- iv) Appropriate Management Actions for achieving Aims and Objectives;
- v) An annual work programme (to cover an initial 5 year period);

For each of the first 5 years of the Plans, a progress report shall be sent to the Local Planning Authority reporting on progress of the annual work programme and confirmation of required Actions for the next 12 month period.

The Plans shall be reviewed and updated every 5 years to ensure their aims and objectives are being met. The approved Plans will be implemented in accordance with the approved details.

The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

#### Reason

To ensure no net loss in biodiversity across the sites.

19

Notwithstanding the submitted details, before any works commence a biodiversity management and monitoring plan, which outlines how the project will be monitored in respect of biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- A detailed adaptive management plan that sets out how habitats will be created or enhanced and describing the proposed ongoing management for a minimum of 30 years.
- A detailed monitoring plan that will be used to inform ongoing management and assess the progress towards achieving target condition. This should outline surveys that will be used to inform the condition monitoring reports.
- The roles, professional competencies and responsibilities of the people involved in implementing and monitoring the biodiversity net gain delivery.
- Evidence that the necessary resources are available to deliver the proposed biodiversity net gain plan and the ongoing management.

The approved details thereafter shall be implemented prior to the first dwelling being occupied and thereafter retained and maintained for their designed purpose in accordance with the approved scheme.

#### Reason

In the interests of biodiversity enhancement.

20

Prior to any lighting being installed on the site, a Lighting Plan shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Plan shall be

carried out in accordance with the guidance contained within the Institute of Lighting Engineers "Guidance Notes for the Reduction of Light Pollution". The approved details shall be implemented prior to the lights being first switched on.

Reason

To minimise light pollution and reduce the impact on bats.

21

The reserved matters scheme shall include a minimum 15 stand off buffer between any built development and the Local Wildlife site.

Reason

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

## DRAINAGE

22

The reserved matters application shall include details of the foul, surface water and land drainage systems and all related works necessary to drain the site. These approved works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

Reason

To ensure that the site is connected to suitable drainage systems and to ensure that full details thereof are approved by the Local Planning Authority before any works begin and in accordance with Policy CS25 of the Local Plan.

23

The reserved matters application shall include details of a sustainable drainage scheme for the site. The sustainable drainage scheme shall be designed, managed and maintained in accordance with the Non-statutory technical standards and local standards.

Reason:

To comply with current planning legislation - National Planning Policy Framework.

## ENVIRONMENTAL

24

Prior to development commencing, a Phase II Intrusive Site Investigation shall be undertaken to assess the geotechnical and geo-environmental constraints at the site and the ground gasing regime. A scope of the proposed site investigation works will need to be provided to the Local Authority for review and comment prior to any site investigation works taking place. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced and will be subject to approval in writing by this Local Planning Authority.

The above should be conducted in line with the new guidance document 'Land Contamination Risk Management' (October 2020) and predecessor guidance 'Model Procedures for the Management of Land Contamination, CLR 11 (Environment Agency, 2004) and BS10175:2011+A2 2017 (BSI, 2017).

#### Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

25

Subject to the findings of Condition 23 and prior to development commencing, a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation works commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

#### Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

26

Subject to the findings of Condition 24 and if gas protection measures are required, then the following information will be required to be submitted to the Local Authority for review and comment:

- Prior to construction a Detailed Design Report for Gas Mitigation Measures will be provided and shall be in accordance with the recommendations made by the consultant. The gas protection measures will be installed by appropriately trained and qualified personnel.
- Post construction, a Verification Report is to be provided to confirm that the measures constructed/installed meet the required standards. An inspection report for these works will be forwarded to the Local Authority for review and comment.

#### Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

27

If during development works unexpected significant contamination is encountered, the local planning authority shall be notified in writing immediately. Any requirements for



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

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

28

Post construction, if subsoil/topsoil is required to be imported to site for remedial works/areas of soft landscaping, then these soils will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

29

Following completion of any required remedial/ground preparation works a Verification Report shall be submitted to and approved in writing by the Local Planning Authority. The Verification Report shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the Verification Report together with the necessary documentation detailing what waste materials have been removed from the site. The site shall not be brought into use until such time as all verification data has been approved by the Local Authority.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan and paragraph numbers 183 and 184 of the National Planning Policy Framework.

## GREEN SPACES

30

The reserved matters application shall include provision for the construction of the a Local Equipped Area Play (LEAP) area as indicated on the approved outline plans, details of the equipment to be provided shall be submitted to and approved in writing by the Local Planning Authority. The approved equipment shall be installed in accordance with a timeframe to be agreed with the Local Planning Authority and shall thereafter be retained and maintained.

Reason

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

31

The reserved matters submission shall include a Playing Pitch Assessment. The Playing Pitch Assessment shall assess, in consultation with Sport England, whether there is a requirement for on-site playing pitch provision within the area identified as shown on the Opportunities Masterplan (ref. PL03 N).

Should the Assessment identify a need for on-site playing pitch provision, the developer shall:

- a) Identify the type of playing pitch to be provided;
- b) Undertake a ball strike assessment, in consultation with Sport England, for the pitch sport identified in part a). If ball strike is identified as an issue, details of the design, specification, management and maintenance, and layout of any ball strike mitigation (for example ball stop fencing) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of the playing pitches.
- c) A noise impact assessment shall be undertaken, in consultation with Sport England, to identify if noise from the use of the playing field results is likely to result in an amenity issue. If an amenity issue is identified, details of design, specification and layout of any noise attenuation measures shall be submitted to and approved by the Local Planning Authority prior to the commencement of development of the playing pitches."

Reason

To protect playing pitch provision within the Borough

## WASTE MANAGEMENT PLAN

32

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

- 1) information on the amount and type of waste that will be generated from the site;
- 2) measures to reduce, re-use and recycle waste within the development;
- 3) design and layouts that allow effective sorting and storing of recyclables and recycling and composting of waste and facilitate waste collection operations during the lifetime of the development;
- 4) measures to minimise the use of raw materials and minimise pollution of any waste;
- 5) details on how residual waste will be disposed in an environmentally responsible manner and transported during the construction process and beyond;
- 6) construction and design measures that minimise the use of raw materials and encourage the re-use of recycled or secondary resources (particularly building materials) and also ensure maximum waste recovery once the development is completed; and

7) details on how the development will be monitored following its completion.

The agreed details shall be implemented and thereafter maintained.

#### Reason

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

### COMMUNICATION

33

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

#### Reason

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

### LOCAL LABOUR AGREEMENT

34

Prior to the commencement of construction works, a Local Labour Agreement relating to the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The scope of the Agreement shall be agreed in writing prior to submission of the formal document. The development shall thereafter be carried out in accordance with the approved Agreement.

#### Reason

To improve skills in all of Rotherham's communities through the promotion of access to training, education and local employment opportunities, in accordance with Policy CS10 'Improving Skills and Employment Opportunities'.

### ARCHAEOLOGY

35

Prior to the submission of any reserved matters application, an archaeological evaluation of the application area will be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. Drawing upon the results of this field evaluation stage, a mitigation strategy for any further archaeological works and/or preservation in situ shall be submitted to and approved in writing by the local planning authority and then implemented.

#### Reason

To ensure that the site is archaeologically evaluated in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters.

## **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

SY Police Architectural Liaison Officer states that the development should be built to Secured by Design standards. [www.securedbydesign.com](http://www.securedbydesign.com)

04

With regard to condition ?? the attached document would need to be filled in and submitted with any discharge of condition application. The information would be sent to SFSY, again at [hello@superfastsouthyorkshire.co.uk](mailto:hello@superfastsouthyorkshire.co.uk) who will assess the information provided.

05

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

06

With regard to the formulation / implementation of a local employment strategy, advice can be sought from the Academy of Construction Trades on 01709 709525

## POSITIVE AND PROACTIVE STATEMENT

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