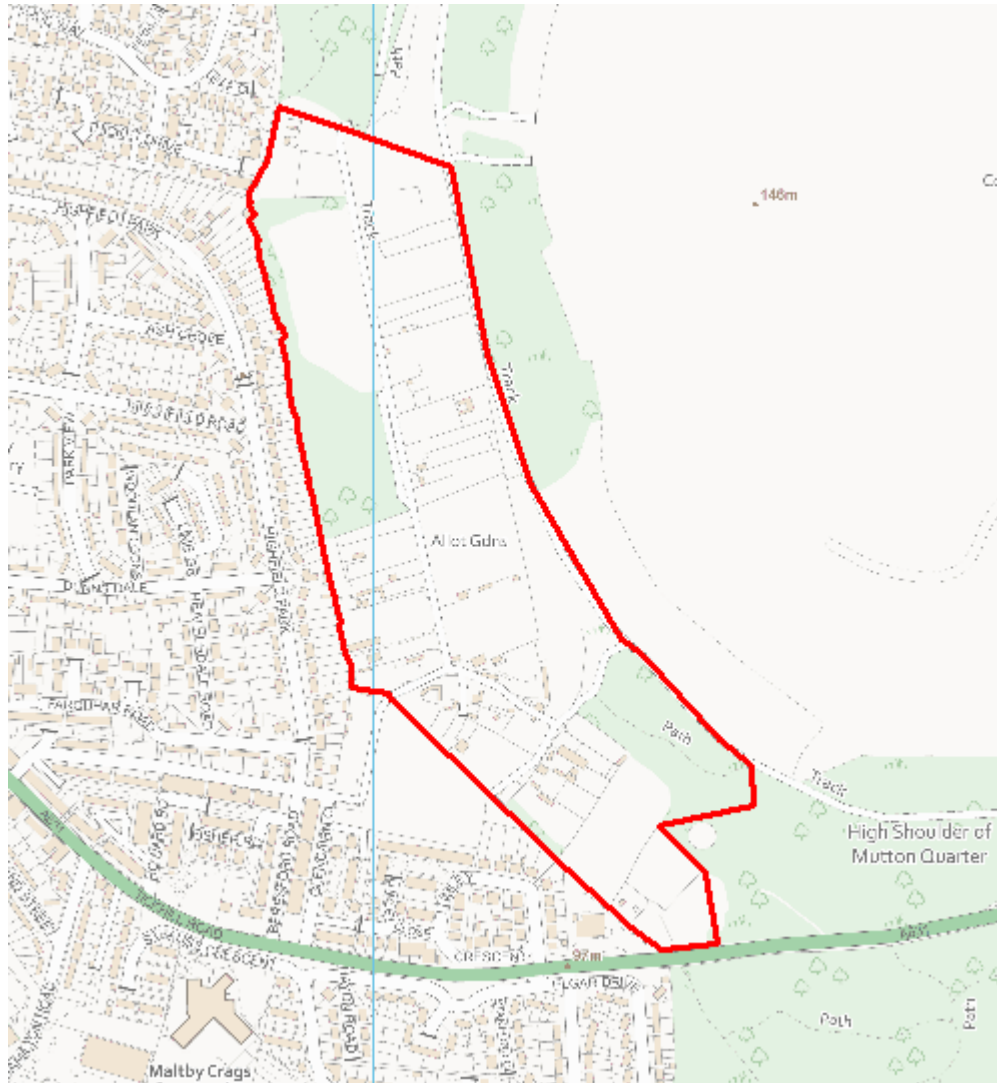


**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 12 June 2025**

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

Application Number	RB2024/0841 https://rotherham.planportal.co.uk/?id=RB2024/0841
Proposal and Location	Reserved matters application details of landscaping, scale, external appearance and layout for the erection of 185 dwellinghouses including discharge of conditions 04, 05, 06, 07, 08, 13, 14, 15, 18, 21, 22, 23, 30, 31 reserved by outline RB2022/1638, land north of Tickhill Road, Maltby
Recommendation	<p>A. That the Council vary the original 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"> • 25% of the total number of dwellings are to be provided on site for affordable housing provision in accordance with the approved plans. • Education Contribution in line with the Council's adopted formulae towards Secondary / SEND resource within the local area. • A commuted sum of £500 per dwelling towards sustainable travel encouragement. • A commuted sum of £181,557 towards improvements to sports facilities for the local community • A commuted sum of £40,000 towards the provision of a cycle link between the application site and Glencairn Close. • Establishment of a Management Company to manage and maintain the areas of Greenspace on site. <p>B. Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions set out in the report</p>

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



Site Description & Location

The application site forms an area of 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

RB2022/1638 - 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 and associated works - GRANTED CONDITIONALLY

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.

RB2024/0453 - Reserved matters application for the construction of internal access road phase 1 (reserved by outline RB2022/1638) - GRANTED CONDITIONALLY

RB2024/1538 - Discharge of conditions 25 (Remediation Method Statement) & 32 (Waste Management Plan) imposed by planning application RB2022/1638 - GRANTED CONDITIONALLY

Proposal

The Reserved Matters application submitted by Homes by Honey seeks approval for the development of 185 dwellings on approximately 15.9 hectares of land north of Tickhill Road, Maltby. This follows the grant of Outline Planning Permission (RB2022/1638) in March 2024. The application includes details on layout, scale, appearance, and landscaping, as well as responses to 14 of the 35 planning conditions attached to the outline consent.

The site lies between the former Maltby Colliery and existing residential areas, and it borders designated ancient woodland and a Local Wildlife Site. The proposed housing mix includes 2, 3, and 4 bedroom units, with 25% allocated for affordable housing. Access will be provided from Tickhill Road, with pedestrian links maintained to Highfield Park and Glencairn Close.

The site layout features a main spine road with secondary loops and private drives. Most dwellings are two-storey, with 16 at 2.5 storeys and 14 at three storeys, the latter positioned at focal points. Parking provision follows local policy, and electric vehicle charging points are included. Landscaping proposals include tree-lined streets, retained vegetation, and open space areas, including a Local Equipped Area for Play (LEAP) and a meadow corridor. The internal road network, drainage basins, and building placement differ from the outline indicative layout, following input from highways and ecological consultants. The design approach adheres to the South Yorkshire Residential Design Guide and other supplementary planning documents.

Supporting reports submitted with the application cover biodiversity net gain, drainage strategy, arboricultural impacts, and highway safety. A net gain of 1.37% in habitat units and 18.76% in hedgerow units is reported, with off-site enhancements contributing to this outcome. A playing pitch assessment concluded that demand from the development does not require on-site provision. The proposal addresses a range of local and national planning policies, including those relating to sustainable design, housing mix, biodiversity, green infrastructure, and flood risk. Compliance with remaining outline conditions is to be addressed in future submissions.

The Applicant's Biodiversity Net Gain Report states:

- 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. Post-development, habitat creation will be undertaken on Site and habitat enhancements within offsite land immediately adjacent to the Site.

- The site has a BNG baseline score of 95.05 area habitat units and 4.48 linear hedgerow units and a post intervention score of 89.63 area habitat units and 4.78 linear hedgerow units. Offsite habitat units have been sought to provide a net gain on site. The offsite area has a baseline score of 81.52 area habitat units, and a post intervention score of 88.87 habitat units. In total this has resulted in an overall gain of 1.93 habitat units and 0.30 hedgerow units, equating to a 2.03% gain in habitat units and 6.69% gain in hedgerow units.
- The results of the assessment demonstrate that the proposed development will deliver a measurable net gain to biodiversity, in accordance with the NPPF and Local Policy CS22.

Playing Pitch Assessment States that:

- The Playing Pitch Assessment has clearly outlined that there is no requirement for on-site playing pitch provision to be provided as part of the proposals at Land North of Tickhill Road. This is primarily based on Sport England's Playing Pitch Calculator, which evidences that the demand which will arise from the housing growth will be insufficient to warrant the creation of a pitch for any relevant sport. Not only does this mean that there is no overarching need, but also that any provision that is established could become unsustainable, especially given the likelihood that it would entail a single pitch development.
- Instead of providing on-site provision, off-site contributions should be sought for the enhancement of existing playing pitch sites to ensure that they can accommodate the demand that will arise from the development. This aligns to the current proposal, which sets out that a sum of £181,557 will be secured via a s106 agreement. Moreover, the amount outlined is supported by use of the Playing Pitch Calculator, which arrives at a very similar total when factoring in both pitch and changing room aspects.

Energy Statement:

The FES Group was instructed by Homes by Honey to review the performance of the proposed Energy Strategy for the development at Tickhill Road, Maltby. The energy strategy was detailed previously but can be best summarised as follows;

- Homes by Honey proposes an energy strategy, which addresses the two policy concerns of sustainable design and construction: climate change and energy security.
- Homes by Honey has proposed a fabric first strategy, which aims to achieve long term reductions in CO2 emissions and climate change.

- The proposed fabric and building services specification will permanently reduce regulated emissions by 2.97% and the proposed energy demand by 2.22% This is a significant betterment and demonstrates that the proposed development will have a reduced reliance on national resources (gas and electricity).

After detailed analysis we can conclude that the preferred energy strategy adheres to the principles and aspirations of sustainable design and construction as advanced by national and local government and the house building industry. We therefore recommend the adoption of the preferred energy strategy by Homes by Honey

Drainage Statement:

Sustainable Drainage Systems (SuDS)

SuDS methods are considered in line with the hierarchy proposed in the SuDS Manual (CIRIA C753).

SuDS methods include water infiltration systems such as soakaways, basins and filter strips, together with swales, pervious pavements, detention basins, ponds and other wetland solutions. The various methods are considered in detail in The SuDS Manual (CIRIA C753).

Infiltration tests results are referenced within the BWB Consulting Site Investigation Report (Ref: TRM-BWB-EGT-XX-RP-LE-0001_Ph2), with results ranging between 1.16×10^{-7} m/s and 1.90×10^{-4} m/s. Due to the variable infiltration rates and steep site topography, there is limited potential for surface water drainage via infiltration.

Basins are proposed in the east and south-east of the site to provide attenuation and water quality treatment, as well as adding biodiversity and amenity value to the development as a whole. Additional source control SuDS features such as permeable paving (Type C) and rain gardens may be suitable to incorporate into the wider 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. 13 letters of objection have been received. The objector's state:

- Inadequate Infrastructure: Repeated concerns about lack of capacity in local schools, GP surgeries, dentists, roads, and utilities (e.g., water and sewage).
- Environmental & Wildlife Impact: Objections to building on green belt land, loss of allotments, and disruption to local wildlife habitats.
- Traffic & Safety Risks: Specific worries about increased congestion and danger, especially at known accident blackspots like Tickhill Road.
- Housing Need & Affordability: Skepticism over the actual need for more homes, especially when existing new builds remain unsold; calls for more affordable or social housing instead of market-driven developments.
- Community Disruption: Loss of peaceful community spaces, concern over the village's changing character, and social cohesion.
- Lack of Trust in Council Priorities: Perception that development decisions are profit-driven rather than in residents' best interests.

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

Consultations

RMBC – Transportation Infrastructure Service: No objection following amended plans, subject to relevant conditions and contributions towards sustainable initiatives and pedestrian/footpath link.

RMBC – Affordable Housing Officer: No objections to plots proposed for the affordable housing on site.

RMBC – Tree Service: No objections

RMBC – Ecology: No objections

RMBC – Drainage: No objections to the proposed drainage layout and supports the plans submitted

RMBC – Land Contamination: No objections

RMBC – Environmental Health: No objections subject to appropriate working hours

RMBC – Green Spaces: No objections, notes the initial Playing Pitch Strategy indicates there is no demand for the pitch on site and that an off site contribution would be more beneficial to sports provision in the area.

Sport England: Given the nature of the planning application, Sport England would like to defer to the Local Planning Authority as to whether this proposal would trigger any other requirements associated with planning condition 31 attached to RB2022/1638.

National Highways: No objections

Coal Authority: We have reviewed the site location plan provided and can confirm that the site falls within the Coal Authority's defined Development Low Risk Area. On this basis we have no specific comments to make.

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 site has planning permission for residential development. The principle of residential development has therefore been established and is considered to be acceptable.

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

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

From a land use perspective, the development of the site for Residential Use is acceptable. Accordingly, the principle of this development cannot be revisited during the determination of this reserved matters application.

The main considerations in the determination of the application are:

- Layout, Scale and Appearance
- Framework and Principles Document and Design Code
- Highway Safety and Transportation Issues
- Impact on existing and future occupiers' amenity
- Flood Risk and drainage
- Landscaping, Green Infrastructure Provision and Ecology
- General Amenity – noise, contaminated land and air quality
- Affordable Housing
- Other issues Raised by Objectors
- Variations to the Section 106 Legal Agreement
- Conditions discharged as part of this reserved Matters Application

Layout, Scale and Appearance

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

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

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

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

The NPPF at paragraph 131 states: Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 139 adds: Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents.

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

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

The Reserved Matters application for 185 dwellings at Tickhill Road, Maltby, presents a well-considered and high-quality residential scheme that aligns closely with both national and local planning policies on good design. The proposal responds directly to the design principles set out in the National Planning Policy Framework (paragraphs 131 and 139), which emphasise that good design is a key aspect of sustainable development and that poorly designed development should be refused, particularly where it fails to reflect local design policies and guidance. This is further reinforced by the National Planning Practice Guidance, which stresses that local authorities must take design into consideration and refuse schemes that are poorly designed.

The development is also consistent with local policy requirements, including SP55 'Design Principles', which requires all forms of development to be of high quality, contribute positively to local character and distinctiveness, and create decent living and working environments. The scheme also respects Core Strategy policies CS21 'Landscapes' and CS28 'Sustainable Design', which require development to enhance the character, distinctiveness, and functionality of the area, and to reflect the unique qualities of Rotherham.

Throughout the application process, the applicant has engaged and improved the scheme through design revisions. Amendments have been made to improve boundary treatments and refine the street scene to minimise the visual impact of parking areas. These improvements contribute to a more attractive and coherent layout that is both functional and sensitive to its surroundings. The inclusion of varied parking arrangements, softened by landscaping, helps avoid a car-dominated appearance, while corner-turning and dual-aspect dwellings enhance surveillance and create more active frontages.

The layout of the scheme responds positively to the site's ecological and landscape context. Key landscape features, including ancient woodland and significant trees, have been retained and integrated into green corridors and open spaces. The development provides a soft, outward-facing edge to the Green Belt, with carefully considered building spacing and lower-density forms along the perimeter. The inclusion of green infrastructure throughout the site not only enhances biodiversity but also strengthens the visual quality and amenity value of the scheme.

A legible and walkable environment has been achieved through a well-defined street hierarchy and the integration of existing Public Rights of Way. These routes have been retained and enhanced, contributing to permeability and encouraging sustainable modes of transport. The scheme also includes a significant proportion of public open space, exceeding the 50% target identified in the site's allocation, with central green areas and a locally equipped area for play that supports social interaction and active lifestyles.

In architectural terms, the proposal adopts a contemporary but contextual approach. The use of high-quality materials, clean lines, and enlarged window openings results in a positive character that complements the surrounding area while introducing a refreshed and distinctive identity. The scale of development is predominantly two storeys, with some 2.5 and 3 storey buildings used selectively to mark key locations and reinforce the structure of the layout.

In summary, the scheme reflects a thoughtful and policy-compliant approach to residential development. It has evolved through engagement and revision to respond to both the physical characteristics of the site and the expectations of national and local policy. The proposed development will deliver a sustainable, attractive and well-integrated new neighbourhood for Maltby, and should be supported accordingly.

Highway Safety and Transportation Issues

Paragraph 115 of the NPPF states: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

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

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

The Council is satisfied that the revised highway layout for the proposed development at Tickhill Road, Maltby, as shown on Drawing No. 003 Rev G (Viability Layout), now accords with relevant national and local policy guidance, including the South Yorkshire Residential Design Guide and the Manual for Streets. The layout has been appropriately designed for a 20mph speed environment, and the developer has committed to funding the necessary Traffic Regulation Order (TRO) and associated road markings to implement this.

Officers have worked constructively with the applicant throughout the design process to address earlier concerns raised in previous submissions. The applicant has responded positively, amending the layout to ensure safe and suitable access for all highway users and to provide appropriate car parking provision in line with the Council's Supplementary Planning Document No. 12. The current scheme also includes commitments to improve the pedestrian and cycle link from Glencairn Close and to contribute financially to sustainable transport measures.

The Council's Transportation Infrastructure Service concludes that the proposed layout will not result in an unacceptable impact on highway safety, nor will the residual cumulative impacts on the road network be severe, thereby aligning with paragraph 115 of the National Planning Policy Framework. As such, subject to the securing of appropriate conditions and

planning obligations, including financial contributions for sustainable travel initiatives and pedestrian/cycle infrastructure, the Council raises no objections to the development on highway grounds.

Impact on existing and future occupiers' amenity

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

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

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

Further to the above the NPPF at paragraph 135 states, in part, that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The housing layout has been designed to ensure the new dwellings have adequate standoff distances to ensure no undue overlooking and to provide reasonable rear garden space. Furthermore, the new proposed dwelling types provide sufficient internal and external amenity space and will not be subject to overlooking, overshadowing or a loss of privacy.

In regard to existing residents on Highfield Park, the new dwellings have been set off their garden boundaries by 10m and due to the size of their gardens being larger than average the separate distance averages over 30m from elevation to elevation.

With the above in mind, it is considered that the proposed development adequately demonstrates that the development does not affect the amenity of existing residents, and that the scheme also provides future residents with an acceptable level of amenity. The proposal is therefore considered acceptable and in accordance with the guidance contained within the SYRDG and adopted Local Plan policy SP55 'Design Principles'.

Flood Risk and drainage

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

The proposed drainage strategy for the site is compliant with the principles outlined in Policies CS24 (Conserving and Enhancing the Water Environment), CS25 (Dealing with Flood Risk), and SP47 (Understanding and Managing Flood Risk and Drainage) of the Rotherham Core Strategy, as well as the NPPF. The strategy incorporates three drainage attenuation basins that have been sensitively located across the site following specialist review by drainage engineers and ecologists. These locations were specifically chosen to both effectively manage surface water runoff and avoid adverse

impacts on ecologically sensitive habitats. This sustainable drainage approach manages surface water as close to its source as possible and avoids discharge to public sewers, aligning with the preferred drainage hierarchy. The inclusion of these basins, combined with landscaped corridors and open green space, supports water quality improvement and contributes to the ecological enhancement of the site's green infrastructure network.

Furthermore, the drainage proposals demonstrate a clear understanding of flood risk pathways and natural topography, and ensure the development will not be subject to, or cause, unacceptable levels of flood risk either on or off-site. The SuDS features proposed are not only functional but are integrated within the site's landscape design, contributing to amenity, biodiversity and character. A detailed Drainage Note and accompanying plans have been submitted to address outline conditions 22 and 23, confirming the design is technically robust and policy compliant. The proposals reflect a proactive approach to surface water management and ensure the development aligns with both local and national policy objectives to enhance resilience, protect water quality, and secure long-term sustainability

Landscaping, Green Infrastructure Provision, Open Space and Ecology

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.

Having regard to the above, it is considered that the landscaping and green infrastructure proposed within these phases of the development are sufficient and in accordance with the outline permission. The scheme includes a

network of green corridors and open spaces that integrate existing woodland and trees, the planting of street trees along the primary street and throughout the development, clusters of planting in the public open space areas, and a carefully considered soft edge to the Green Belt. These landscape features will not only enhance the site's visual character but also support biodiversity, provide areas for informal recreation, and contribute to the overall quality and sustainability of the scheme.

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

Policy SP33 'Conserving and Enhancing the Natural Environment' states, in part, that: Development should conserve and enhance existing and create new features of biodiversity and geodiversity value, and adds that:

"Development will be expected to enhance biodiversity and geodiversity onsite with the aim of contributing to wider biodiversity and geodiversity delivery including, where appropriate, direct contribution to Ecological Networks, the Green Infrastructure network, Biodiversity Opportunity Areas, Nature Improvement Areas and Living Landscapes".

Having regard to the above, it is considered that subject to the recommended conditions the development would not have an unacceptable impact on ecology in accordance with guidance contained within the NPPF.

General Amenity – Noise, Contaminated Land and Air Quality

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

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

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

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

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

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

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

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

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

b. ensure necessary remedial action is undertaken to safeguard user 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."

Discharge of condition application RB2024/1538 related to condition 25 (Remediation Method Statement), which considered, in the detail, the previous land contamination issues. The applicant as part of that submission provided a comprehensive remediation strategy along with additional gas monitoring data. The remediation strategy has also been updated to address land contamination issues within the area of the site to become allotments. Further information was received setting the timescales for carrying out the remediation which includes the allotment site. All of this information was carefully considered by the Council's land Contamination Officer and a recommendation to approve the discharge of condition was presented to Planning Board on 1st May 2025, where Members resolved to approve the application.

Turning to the issue of Air Quality, in line with the requirements of condition 13 each dwelling is to be provided with an EV charging point in accordance with the Transport Assessments. This will encourage more sustainable forms of transport and improve air quality.

It is therefore considered that the proposal is in compliance with Local Plan policies CS27, SP52 and SP54

Affordable Housing

Condition 04 of the original Outline permission required details of the proposed Housing mix to be included with the reserved matters application, including the mix of affordable housing. This includes:

Open Market:

- 12 – 2 beds – 6%
- 57 – 3 beds – 31%
- 70 – 4 beds – 38%

Affordable Housing

- 19 – 2 beds – 10%
- 18 – 3 beds – 10%
- 9 – 4 Beds – 5%

The proposed mix of housing is considered acceptable and the Council's Affordable Housing Officer is satisfied with the affordable units provided.

Other issues Raised by Objectors

A number of objectors have raised in principle concerns about the scheme, in terms of the need for housing, the impact upon local facilities and the traffic in the area.

The principle of development has already been established during the consideration of the outline application and these issues cannot be revisited as part of this application.

On site Play Equipment and Sports Pitch Provision

Condition 30 requires details of on site play equipment to ensure that the new dwellings are set within 400m of a equipped play area to accord with SP37 'New and Improvements to Existing Green Space'. The play equipment is centrally located within an area of Green Space and will provide play equipment provision for the estate.

Turning to the issue of the on site sports pitch, the site contains a former football pitch on site, which was previously leased to the Council. The pitch has not been in active use for over 20 years, due to it poor condition and location, lacking adequate parking and changing facilities etc. The applicant has submitted a details Playing Pitch Assessment that indicates that the Sports Pitch is no longer required and the initial results of the Council overall Playing Pitch Strategy for winter sports accords with this conclusion. Sport

England has also indicated that they do not wish to formally object to the loss of the pitch.

The original outline permission made provision within the legal agreement for a commuted sum of £181,557 towards improvements to sports facilities for the local community, in the event that at the reserved matters stage it was found that the football pitch was surplus to requirements. This will therefore ensure that sporting facilities such as all weather 3G football pitches can be upgraded and improved within the area, retaining a good level of sports provision within the area.

Variations to the Section 106 Legal Agreement

A number of variations to the original S106 legal agreement are proposed, in light of the further details provided as part of this submission. The variation will also allow the applicant to begin construction of the initial access road approved under RB2024/0453 without triggering the legal agreement.

Conditions discharged as part of this reserved Matters Application

Conditions to be Discharged	Comments
04 Housing Mix Including Affordable Housing	Amended Technical Planning Layout – 008 Revision H & Maltby House Type Pack
05 Proposed Materials	Materials Plan – 600 Revision D
06 Boundary Materials	Boundary Plans 700 Revision D
07 Layout in accordance with South Yorkshire Residential Design Guide and link to Glencairn Close	Technical Planning Layout – 008 Revision H
08 Car Parking to meet Car Parking Standards	Technical Planning Layout – 008 Revision H
13 Electric Car Charging Points	Refuse, Cycle & EVCP Plan
14 Construction Environment Management Plan	Construction Environmental Management Plan (Framework) P01
15 Tree Survey	Arboricultural Assessment & Arboricultural Method
18 Biodiversity Enhancement Management Plan	Biodiversity Enhancement and Management Plan May 2025
21 Stand off distance to Local Wildlife Plan	Technical Planning Layout – 008 Revision H
22 details of Drainage	Drainage phase 2 drainage layout sheet 1 – 0200 Rev P02

	Drainage phase 2 drainage layout sheet 2– 0201 Rev P02 Drainage phase 2 drainage layout sheet 3– 0202 Rev P02
23 Sustainable Drainage	Drainage phase 2 drainage layout sheet 1 – 0200 Rev P02 Drainage phase 2 drainage layout sheet 2– 0201 Rev P02 Drainage phase 2 drainage layout sheet 3– 0202 Rev P02
30 Local Equipped Area Play	LEAP Plan -0006 – P02
31 Playing Pitch Assessment	Knight, Kavanagh & Page Playing Pitch Assessment

Conclusion

The principle of residential development on this site has been established under outline permission RB2022/1638 and subsequent S73 application RB2024/0453 and is considered to be acceptable.

The overall layout of the site offers an acceptable balance between achieving an efficient use of the land available as recommended in the NPPF whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. The design of the proposed scheme as a whole is considered to have regard to the approved plans at outline stage and included within the S106 Agreement.

There are no objections to the proposals from the Council's Transportation Unit. Internal layout geometries have been set out in accordance with the South Yorkshire Residential Design Guide and Manual for Streets. The overall drainage details were approved as part of the outline approval, and the Councils Drainage Engineers have not raised any objections to details submitted with this application.

In terms of the landscaping within the site and Biodiversity, the applicants have provided an acceptable level of landscaping appropriate for the site which are in line with plans approved at the outline stage. There are no objections to the proposed planting schemes from the Councils Landscape Design team or the Ecologist.

It is therefore recommended that planning permission be granted in accordance with the following conditions.

Conditions

01

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

Amended Boundary Treatment – 700 Revision D
Amended Technical Planning Layout – 008 Revision H
Amended Materials Plan – 600 Revision D – 600 Revision E
Drainage phase 2 drainage layout sheet 1 – 0200 Rev P02
Drainage phase 2 drainage layout sheet 2– 0201 Rev P02
Drainage phase 2 drainage layout sheet 3– 0202 Rev P02
Tickhill Road, Maltby House Type Pack
Strategy Masterplan 0005-P10
Refuse, Cycle & EVCP 104 Revision B
Construction Environmental Management Plan Rev 3
LEAP Design Plan 0006-P02
Biodiversity Enhancement and Management Plan May 2025 (Rev C)
Biodiversity Net Gain Report May 2025 (Rev I)

Reason

To define the permission and for the avoidance of doubt

TRANSPORTATION/SUSTAINABILITY

02

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

Reason

In the interest of highway safety and drainage

03

Before the development is commenced road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority.

Reason

In the interest of Highway Safety

04

Prior to the first dwelling being occupied a Travel Pack shall be produced in the form of an introduction pack to the area with information on buses, trains, cycle and walking routes, local facilities such as schools, doctor's surgeries

and other local facilities (shops, parks etc.) and submitted to and approved by the Local Planning Authority. The approved Travel Pack shall be provided for each new resident on first occupation of any dwelling.

Reason

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

ALLOTMENTS

05

Prior to the completion of 100 dwellings on site, details of the final layout of the allotments shall be submitted to and approved in writing by the Local Planning Authority. The submission shall also include a timetable for implementation and details of the long term management and maintenance.

Reason

To ensure adequate replacement allotments are provided on site.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2025/0333 https://rotherham.planportal.co.uk/?id=RB2025/0333
Proposal and Location	Felling of 8 Poplar trees protected by TPO 11 (2010) at 2 and 3 Parkstone Place, South Anston, Rotherham S25 5AE
Recommendation	Refuse

This application is being presented to Planning Board at the request of a Local Ward Member.



Site Description & Location

The site consists of the rear garden areas of Nos. 2 and 3 Parkstone Place. The 8 Poplar trees are located close to the rear boundaries of the properties, with 5 in No. 2 and 3 in No. 3. To the rear is the Crowgate Recreation Ground.

Background

RB2010/0646 – Outline application for partial demolition and conversion of property to 3 dwellings and erection of 7 dwellings GRANTED
CONDITIONALLY 13/08/10

It was at this time that TPO 11 (2010) was made and confirmed to protect a number of trees across the overall site.

RB2014/0070 – Demolition of existing buildings and erection of 10 dwellings
GRANTED CONDITIONALLY 25/04/14

Subsequent tree works applications:

- RB2019-1594 – 1 Parkstone Place - Included the removal of 1 x Poplar which was given consent due to poor condition. No Tree Report within the application, but image within the application shows clear decline of tree.
- RB2021-0398 – 1 Parkstone Place – Remove 1x Poplar which was given consent, again no tree survey but a clear indication of decay and fungal fruiting body on the stem of the tree (images within the application/documents).
- RB2022-0519 – 2 Parkstone Place – Application to reduce all trees to a height of 5-6m – No Tree Survey within the application – Application Refused and appealed. The appeal was dismissed.
- RB2023-1198 – 1 Parkstone Place – Various works including the removal of 9x Poplar trees – Consent given due to condition of trees.
- RB2023-1376 – 2 Parkstone Place – Carry out tree works to reduce 6 Poplar/Beech trees to 10-12m. Refused and appealed with no decision as yet.

Proposals

The proposals relate to the felling of 8 Lombardy Poplar trees in the rear gardens of 2 and 3 Parkstone Place. The applicant states:

“The trees were in place before the houses were built and were always too large for the gardens. The trees have low amenity value due to being totally unsuitable for the gardens in which they find themselves. Nobody would look at the gardens where they grow and decide to plant Lombardy Poplars, their retention through the development of the site was always misguided.

Despite extended discussions with the local authority's Officers, they have not properly undertaken an amenity valuation that follows the rules set out in the Government Guidance.

The only thing that the Officers have said about the trees is that they are visible to the public, which is not strictly true as they can only be seen from certain places and there is no view of the whole trees from any public position.

The applicants are happy to replant new trees. These will be of standard size (10-12) and of species that will be decided later.”

A supporting statement has also been submitted on behalf of the applicants by a tree consultant. This states: "the trees are all Lombardy Poplars and in the garden of no. 2. There are 5 in a row along the boundary, with a single Beech tree. Next door at number 3 there are 3 more Lombardy Poplars, along the same boundary. The tree nearest to no 2 is only 6 metres away, and the tallest tree is 25 metres tall. Two trees are suppressed and much less tall. Trees in the garden of number 3 are slightly taller at 26 metres."

It adds: "I haven't found anything particularly wrong with any of the trees but note that other Arboriculturists have inspected the trees, and defective ones have been removed. However the other arboriculturists focussed on health and safety and as far as I can tell, ignored the trees' amenity value."

In respect of amenity value, the supporting statement states:

"So in this instance I'll try and appraise the amenity value of the Lombardy Poplars:

- ☐ Are they alive? They're alive, although considering what has happened to other trees in the group it would be hard to suggest that they'll survive much more than 10 years without suffering some damage.

- ☐ Are they particularly well-suited to their location? No. They're far too tall for their position and nobody would choose to plant such trees in anything but a very large garden.

- ☐ Are they particularly prominent? No they might be glimpsed from the highway but only fleetingly.

- ☐ Are they particularly good examples of their species? No they're quite tall but not noteworthy in any other way. (26 metres is not particularly tall for a Lombardy Poplar, they can reach 40 metres tall.)

- ☐ Are they rare? No they're extremely common.

- ☐ Do they have any particular or unusual value to wildlife? No they have no unusual value over other species of trees. I could see no birds' nests in any of the trees, and there doesn't appear to be any plants, like Mistletoe for instance, colonising them. I should say here that I realise it is not the nesting season at this time, but it's easy to see unused nests at this time of year and there was nothing obvious.

- ☐ Do they flower prolifically and noticeably? No. and they don't produce particularly noticeable autumn colour either.

- ☐ Do they have any historic association? No they were planted in the grounds of a nursing home and if they were planted by some notable historic figure this has not been mentioned anywhere.

- ☐ Are they a remnant of a planned or historic landscape? No, there is no sign of any historic building ever having been here and if there was once an agricultural hedgerow along the site's boundaries (that would imply an ancient field system or former land use) these trees were not part of it.

In summary there is nothing about these trees that makes them anything other than unremarkable trees. Although I can see why they might originally have been protected, before being sold to a developer, I can see no obvious reason for them to be protected any longer and an amenity valuation, undertaken in accordance with the Government Guidance would conclude precisely the same thing."

The supporting statement also questions the TEMPO (Tree Evaluation Method for Preservation Orders) system for assessing trees for inclusion in a proposed Tree Preservation Order. It notes that: "The TEMPO system is a fairly simple points-scoring system: Points are awarded, they're added together and with certain provisos, if they reach the TPO threshold, they supposedly meet the criteria for protection." The supporting statement disagrees with how the assessment of the trees under this system was carried out and considers that the trees should not have been protected as a result.

Development Plan Allocation and Policy

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

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

Local Plan policy:

SP33 'Conserving the Natural Environment'

Other Material Considerations

The NPPF (as revised).

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)

Publicity

The application has been advertised by way of site notice along with individual neighbour notification letters to adjacent properties.

Fourteen letters in support of the application have been submitted raising the following:

- The trees are too large and close to the housing, as well as the adjoining football pitches where children play. They should have been removed when the houses were built from a safety point of view. Fears for public safety. Especially an issue in high winds.
- 2 trees have fallen down in the past.
- Trees are excessively high and unmaintained; they have no amenity value.

- Trees have caused damage, including to car from falling branches from one of these trees in 2022.
- Visually do not add anything to the landscape.

Five right to speak requests have been received.

Consultations

Council's Tree Service – Opposes the application and recommends refusal. Would agree to lesser works in line with BS3998, which would allow for the equivalent of a 30% reduction of the trees' living crowns. This would equate to an approximate height reduction of 20%.

Appraisal

Local Plan Policy SP33 'Conserving and Enhancing the Natural Environment' states that: "The council can protect individual and groups of trees by the declaration of tree preservation orders where it is important in the interest of amenity and there is reason to believe that trees are under specific threat."

Paragraph 136 of the NPPF states: "Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible."

The proposal relates to the felling of 8 Poplar trees protected by a Tree Preservation Order and the Council's Tree Service note that the comments made in response to this application from local residents show invariable support for the applied works. In the past, several applications have been made by the owners of 1 and 2 Parkstone Place to carry out similar works, as well as reduction works, most of which have been refused by the Council, and one which was considered at appeal and was dismissed by the Planning Inspector. The grounds on which these applications were rejected were similar to the grounds on which the Tree Service objects to the applied works in this case, in that evidence is required to support the applicants' claim that the trees are unsafe. As the trees show no outward symptoms showing poor condition or defects requiring felling, this is required, and supported by the Council's tree service protocol.

The comments of support for the application invariably mention tree safety, hazard prevention, and concerns about poor tree condition or health. The Tree Service shares these concerns and has at every application, and in every conversation with the residents of Parkstone Place, requested that the residents supply evidence to show the trees' condition (such as an internal decay detection inspection) to determine their suitability for retention or

otherwise. This has not been provided in this instance and, as such, there is no justification for the removal of the trees due to their poor physical condition.

Other matters raised by the applicants, in respect of the method for assessing whether the trees should have been protected in the first place, are not relevant to the determination of this application. However, it should be noted that Councils can vary or revoke TPOs having reviewed them. Following the interest shown from local residents at this site, two Tree Officers undertook a TEMPO review of the trees, after which the results were evaluated within the Tree Service for additional challenge and validation. The conclusion was that the scores did change a little but not enough to warrant the removal of the TPO. Ultimately, the applicants can appeal against any refusal of consent, and an independent Inspector will consider their arguments.

The Council uses the TEMPO system to determine the condition of trees. This is a well-respected and used system, which is suggested by the arboricultural industry as an acceptable system to use for the condition surveying of trees. As mentioned in the applicants' letter of support, other systems do exist, but this should not detract from the value of TEMPO as a valid system of determining tree condition.

Finally, the applicants' supporting statement indicates that the trees were not considered fully when the permission to build the ten houses on the site was determined. However, an extract from the officer report for that applications states:

"A tree survey has been submitted with the application which provides details as to the state and health of these trees. The site contains approximately 140 trees and hedges. Of these trees 27 individual trees and 71 trees within groups G1 to G4 are protected by Tree Preservation Order No. 2010. To facilitate the access to this site a number of these trees will have to be removed. Furthermore, a number of trees will have to be removed to accommodate the entrance into the site, and the erection of the new dwellings. In total 33 trees are to be removed from the site, of which 8 are within the Tree Preservation Order (T22, T23, T26 and 5 trees that form parts of Groups G1 and G2) which are located where the new access enters into the centre of the site and close to the proposed pumping station. The Horse Chestnut trees on the existing drive which are shown to be removed were not included in the Tree Preservation Order as their loss was accepted at the outline stage.

The layout plans and design of the dwellings were amended during the course of the application so as to allow more space between the dwellings at Plots 1 and 5 and the nearby protected trees to safeguard their future prospects. The Streepride (Tree Service Manager) therefore has no objections to the amended plans. However conditions are recommended to provide protective tree fencing around the trees to be retained, recommended root protection areas and a landscaping scheme to be submitted."

As such, the trees were clearly taken into account when determining that application.

Conclusion

The works proposed are not supported with accompanying evidence or any kind of report (arboricultural report, structural report, tomograph) to show that the trees should be removed on safety grounds, or that they pose a hazard.

The trees are protected due to their perceived amenity value, especially as a group, and condition. This may well be disputed by those commenting in support of this application, but this was verified by the recent re-appraisal of the TPO. Clear evidence should be provided to back up the applicants' claim that the trees are unsafe.

It is on these grounds that it is recommended that the works to fell the trees are refused.

Reason for refusal:

01

The Council considers all tree works applications against industry best practice, as detailed in the latest edition of British Standard 3998 and Local Plan policy SP33 'Conserving and Enhancing the Natural Environment' which states that: "The Council can protect individual and groups of trees by the declaration of Tree Preservation Orders where it is important in the interest of amenity and there is reason to believe that trees are under specific threat."

An application to fell trees covered by a tree preservation order should be accompanied with evidence showing the need for the tree(s) removal. There should be a report showing that the tree(s) health or structural condition is so poor that pruning or other works can no longer retain the tree(s) in a safe condition. The trees have not been shown to be either in poor condition or causing structural damage. This requirement is clearly stated on the TPO application form (Section 8).

Application Number	RB2025/0338 https://rotherham.planportal.co.uk/?id=RB2025/0338
Proposal and Location	Change of use to Craft Ale & Coffee House (Use Class Sui Generis) at 263 Wickersley Road Brecks Rotherham S60 4JS
Recommendation	Grant with conditions

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



Site Description & Location

The property is located in a small commercial area on Wickersley Road at Brecks consisting of six separate business units which include a post office, hair salon, beauty therapist and office supplies with a small area to the front of each for off street parking, the hairdressers also has a large car park to the rear for their customers.

The building also includes a first-floor flat accessed separately via an external side door and to the rear of the site is a small building which was formerly used for a dental business but which now stands empty, neither of these form part of this application.

Beyond the commercial area are residential properties to the north and west and across Wickersley Road, and The Breck pub across Brecks Lane to the east.

Background

The submitted information indicates that this property was last in use as a dental training centre however there are no planning records in relation to this.

The unit was used as a retail shop but appears to have been empty for at least the last 4 years.

Proposal

This application proposes to change the use of the building to a craft ale and coffee house. Due to the land levels the property is two storey at the front and three storey at the rear. It is proposed to use the ground floor for the café/bar area with the lower ground floor at the rear as a storage and preparation area. The first floor area would remain as a separate flat.

There is no proposal to use any of the external area for customers.

The submitted Design and Access Statement states the following;
The business will operate under the name "Barrel & Bean" and will offer:

- A selection of ground coffee, teas, and cakes
- Craft ales sourced from local suppliers
- Simple cold plates made from locally sourced ingredients.

The business will operate as follows;

- Monday to Wednesday: 9:00 AM - 9:00 PM
 - o Coffee and cake: 9:00 AM - 5:00 PM
 - o Alcoholic beverages: 4:00 PM - 9:00 PM
- Thursday: 9:00 AM - 9:30 PM
 - o Coffee and cake: 9:00 AM - 5:00 PM
 - o Alcoholic beverages: 4:00 PM - 9:30 PM
- Friday: 9:00 AM - 10:30 PM
 - o Coffee and cake: 9:00 AM - 5:00 PM
 - o Alcoholic beverages: 1:00 PM - 10:30 PM
- Saturday: 9:00 AM - 10:30 PM
 - o Coffee and cake: 9:00 AM - 5:00 PM
 - o Alcoholic beverages: 12:00 PM - 10:30 PM
- Sunday: 9:00 AM - 9:00 PM
 - o Coffee and cake: 9:00 AM - 5:00 PM
 - o Alcoholic beverages: 12:00 PM - 9:00 PM

It is indicated that the business will employ 2 full time staff and 6 part-time staff.

The supporting information also states that this location was identified as having been empty for some time and “given the limited coffee shop and bar options in the area, this location presents an opportunity to create a vibrant social hub without necessitating extensive travel.”

The applicant further adds that:

- “• The premises will be designed with accessibility in mind, including a fully compliant assisted WC.
- Acoustic separation will be installed to prevent noise disturbance to the upstairs residential accommodation.
- Local sourcing of beverages and food will reduce the carbon footprint and support the local economy.
- The location encourages foot traffic, reducing reliance on car travel.”

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 ‘Retail’ purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS12 ‘Managing Change in Rotherham retail and service centres’

CS27 ‘Community Health and Safety’

SP19 ‘Development Within Town, District and Local Centres’

SP52 ‘Pollution Control’

Other Material Considerations

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

National Planning Practice Guidance (NPPG).

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

Publicity

The application has been advertised by way of site notices along with individual neighbour notification letters to adjacent properties. 27 letters have been received, 11 letters objecting and 16 in support.

The objections can be summarised as follows;

- Noise and general unruliness caused by patrons leaving the venue
- There are enough cafés and bars in the area already
- Existing problem with rats to the rear of the premises
- Noise and odour to nearby premises
- Parking and access is currently a problem for existing businesses
- Security around the property
- Early and late deliveries
- Rubbish thrown into nearby gardens
- Noise and disturbance to nearby occupiers
- Negative effect on adjacent businesses
- People loitering outside will disturb other businesses and their customers
- A power supply has been fitted to the front of the premises presumably for mobile food vendors to attend
- Comments in support of the application are probably from those who don't live close to the premises
- Noise, smoking, rats and late opening will have a direct impact on our ability to enjoy our garden.
- Young children in their gardens shouldn't have to hear drunken people or adult conversation while out playing.
- Passive smoking affecting adjacent garden areas.

The comments in support can be summarised as follows:

- Welcome addition to the area, the hours look sympathetic to the neighbourhood, not likely to encourage customer of a disruptive nature
- Improve the social aspect in the area
- Independent local businesses should be promoted
- Will help bring families and communities together, fostering a sense of belonging and community spirit.
- Craft ales are popular
- Convenient meeting place for the residents of the Brecks area
- Craft ale/micro bars attract more discerning customers who are interested in enjoying quality beer & good conversation, and are considerate of the surrounding neighbourhood
- Will bring jobs to the area in a unit that would otherwise be vacant.
- There are examples in the area of such businesses for example Yellow Broom in Bramley and the Dragons Tap at the Stag. Like this location, both are located on a small commercial unit in a residential area, all lack parking and are close to housing.
- The type of people visiting these types of premises also tend to be older couples. They do not attract groups of youths and young people.

The applicant has requested the right to speak at the meeting.

Consultations

RMBC – Transportation Infrastructure Service: Note that the proposals do not affect any existing car parking provisions and the site is in close proximity to public transport. As such they raise no objections in a highway context

RMBC – Environmental Health: Note that the premises are located within a mixed residential/commercial area. There is a residential flat to the first floor of the premises and a first floor flat adjoining the premises. There are also residential dwellings across Bawtry Road and to the rear of the premises in close proximity to the application site. The applicant has stated that acoustic separation measures will be carried out to ensure minimal disruption to the residential accommodation above and no outdoor seating or live/amplified music is proposed.

There is potential for nuisance to neighbouring residential premises from the proposed use as a result of noise from raised voices from patrons, music and fixed plant. The premises were previously a dental training centre. The proposed use will create a new noise source which may increase the likelihood of complaints being received due to disturbance. Noise from vocals is extremely difficult to control especially in drinking establishments where alcohol is served until late evening. It is therefore necessary to impose conditions to protect nearby noise sensitive receptors from adverse impact.

Police Designing Out Crime Officer: Is supportive of the plans and layout but advises details of a security nature. These are recommended as an informative.

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
- Residential amenity
- Impact on nearby businesses
- Highways

Principle

The proposal is for a café/ bar (use class Sui Generis) within an area allocated for Retail use within the adopted Local Plan.

The property is located in a row of commercial properties in an area identified as a retail district centre in the adopted Local Plan, not within a Primary or Secondary shopping frontage. There are a variety of other uses in the immediate vicinity including a hairdressers, office supplies, post office, and beauty aesthetics.

Policy SP19 'Development within Town, District and Local centres' of the adopted Local Plan states that: "Within Town, District and Local shopping centres but outside of Main Shopping Areas, development proposals for the following uses will be acceptable in principle subject to meeting the requirements of other relevant planning policies (amongst others):
d. A4 drinking establishments"

(it should be noted that A4 is now a sui generis use).

Core Strategy Policy CS 12 'Managing Change in Rotherham's Retail and Service Centres' indicates that new retail, leisure, service facilities and other main town centre uses will be directed to the most appropriate centre in line with the hierarchy of centres. It also indicates that proposals will be expected to demonstrate how they contribute towards the strategy for each centre. For Local centres this is to; "encourage developments which improve convenience and comparison goods and service facilities provision and reduce vacancies."

This proposal is considered to bring an empty unit back into use and provide services for the local community.

The NPPF at paragraph 98 states that: *"To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."*

It is considered that the proposal would provide a service to local residents by providing a community meeting space and many letters in support of the application as a community facility have been received from the general public in the local area.

In view of the above it is considered that the the proposed use is acceptable in principle in this location, an is in accordance with Local Plan Policies SP19 and CS12.

Residential Amenity

The supporting text to Local Plan Policy CS27 Community Health and Safety states: "The Local Plan can.....make sure that potential noise creating uses, including industrial processes or some recreational activities, are not in places where they would be likely to cause nuisance."

Policy SP52 'Pollution Control' states: "*Development proposals that are likely to cause pollution, or be exposed to pollution, will only be permitted where it can be demonstrated that mitigation measures will minimise potential impacts to levels that protect health, environmental quality and amenity*". It further states that when determining an application, consideration will be given to, amongst other things, "*...the potential noise likely to be generated by the proposed development...*"

Paragraph 135 of the National Planning Policy Framework states: "*Planning policies and decisions should ensure that developments... f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*"

NPPG – Noise states that in decision-making for proposals that are more likely to be active at night: '*Local planning authorities will wish to bear in mind not only the noise that is generated within the premises but also the noise that may be made by customers in the vicinity.*

The subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This will depend on how various factors combine in any particular situation.

These factors include: the source and absolute level of the noise together with the time of day it occurs. Some types and level of noise will cause a greater adverse effect at night than if they occurred during the day – this is because people tend to be more sensitive to noise at night as they are trying to sleep. The adverse effect can also be greater simply because there is less background noise at night..."

Objections have been received from nearby residential properties relating to noise and disturbance and general antisocial behaviour that could potentially arise as a result of this proposal.

The proposed use will create a new noise source which may increase the likelihood of complaints being received due to disturbance. Noise from vocals is extremely difficult to control especially in drinking establishments where alcohol is served until late evening. As such it is considered necessary to impose conditions to protect nearby noise sensitive receptors from adverse impacts arising from the change of use.

The applicant has agreed to the imposition of conditions to restrict the hours of use and hours of deliveries, and to exclude external drinking or seating areas.

The internal seating area proposed is relatively small and it is not anticipated that there will be large numbers of people leaving the premises at closing time such as to create a lot of noise and disturbance to nearby residents. Any anti-social behaviour would be a police matter. The proposed closing times are also relatively early in comparison with other public houses in the area.

Whilst not currently in use there are flats above these premises in this row of commercial properties and therefore it is considered that sound insulation is necessary to protect the amenity of any occupiers.

Additionally, further conditions are recommended to prevent any amplified music or amplified vocals played outdoors and to prevent any cooking on site without a suitable extraction system being installed which would also be subject to prior approval by Environmental Officers. No mechanical ventilation, air conditioning or extraction systems are to be installed without the prior approval of the Local Planning Authority so that this can be controlled to prevent any adverse impact on nearby occupiers.

Issues raised with regard to existing problems experienced by nearby residents in terms of litter and rats is controlled by separate Environmental Health legislation and should be raised with the appropriate departments to investigate.

Impact on nearby businesses

Concerns have been raised that the proposed use as a café and bar could have a negative impact on adjacent businesses in terms of noise disturbance and people loitering outside.

The site is allocated for Retail use and forms part of a Local Centre, as such a variety of uses could take place within this unit that would not require planning permission and could raise similar issues for other businesses.

Whilst planning conditions can prevent the use of the external areas for eating/drinking purposes, the area to the front of the units is open to the general public and planning legislation cannot prevent people from using this area generally.

Highways

Concerns have been raised in terms of the parking provision for the property.

The NPPF at paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.”*

There are existing parking spaces to the front of the property and each business has their own allocated parking area. Highways officers note that the proposals do not affect any existing car parking provisions and the site is in close proximity to public transport. As such they raise no objections in a highway context

Conclusion

In conclusion, having regard to all of the above, it is concluded that this proposal is acceptable in principle in this location taking account of its retail allocation and its position in a Local Centre.

Furthermore, subject to the recommended conditions it is not considered that the proposal would result in a significant impact on neighbouring amenity, and it is recommended that the application be granted conditionally.

Conditions

01

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

Reason

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

02

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

Reason

To define the permission and for the avoidance of doubt.

03

A scheme for sound insulation shall be submitted to and agreed by the Local Planning Authority to ensure that there is no loss of amenity to the occupiers of the first floor flat (263a Wickersley Road), and the adjoining residential first floor flat (265a Wickersley Road). The scheme shall take account of the ventilation of the rooms, and the sound insulation shall conform to

BS8233:2014 (indoor ambient noise levels for habitable rooms), and be sufficient to prevent noise disturbance. The approved details shall be implemented before the development is brought into use.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF.

04

The premises shall only be open to customers between the following hours: Mondays to Wednesdays 09:00hrs until 21:00hrs, Thursdays 09:00hrs until 21:30hrs, Fridays & Saturdays 09:00hrs until 22:30hrs, Sundays 09:00hrs until 21:00hrs.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF.

05

There shall be no deliveries to the premises outside the hours of 09:00hrs until 20:00hrs Mondays to Sundays.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF.

06

The proposed use of the premises shall only take place indoors as outlined in the Existing & Proposed Plans, Elevations, Proposed Site Plan & Site Location Plan, dated March 2025 (Drawing No. A25-06-01 - Revision P1). No seats or tables shall be placed outdoors.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF.

07

All windows and doors to the premises shall remain closed between the hours of 21:00hrs and 09:00hrs, except to allow the ingress and egress of persons.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF.

08

No amplified music/amplified vocals other than background (incidental) music shall be played indoors as indicated in the Existing & Proposed Plans, Elevations, Proposed Site Plan & Site Location Plan, dated March 2025 (Drawing No. A25-06-01 - Revision P1). No music shall be audible beyond the site boundary.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF.

09

There shall be no amplified music/amplified vocals played outdoors.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF.

10

No cooking of food shall take place on site until details of a kitchen extract system have been submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours.
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours.
- Details showing the proposed location of all the major components of the extract system.
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours.

Before the cooking of food commences, the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

Competent Person – Footnote

The risk assessment for odour must be carried out by competent person/s and in line with current best practice and guidance. Applicants are referred to guidance provided by EMAQ: Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (V2) (2022).

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF.

11

No mechanical ventilation, air conditioning / refrigeration or cooking odour extraction plant shall be installed in any part of the development until full and precise details have been submitted to and approved in writing by the Local Planning Authority. The details shall include a BS4142:2014+A1:2019 noise assessment which has been carried out by a competent person (see footnote) and include 1/3 octave frequency analysis with appropriate corrections for acoustic features and shall detail any mitigation measures, physical or operational to achieve a maximum cumulative plant Noise Rating Level of no

more than 0dB(A) above the prevailing background levels, outside the boundary of the nearest noise sensitive property.

Competent Person – Footnote

All noise assessments must be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

Reason

To safeguard the amenities of the occupiers of nearby properties in accordance with RMBC Policy SP52 and parts 12 & 15 of the NPPF.

Informatives

01

INF 39 – LICENCING APPLICATIONS

The planning permission granted does not override the necessity to obtain the appropriate licence from the relevant licencing authority, such as where alcoholic drinks are to be sold from the site.

02

The granting of this planning permission does not authorise any signage to be erected related to the development. Such signage is controlled by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and a separate application for advertisement consent may be required.

03

The Police Designing Out Crime officer advises the following;

- This development would benefit from being refurbished to Secured by Design standards.

All external doors must meet one of the following:

PAS 24:2022

LPS 1175 SR 2

STS 201 or STS 202 BR2

More information can be found at www.securedbydesign.com

- Any glazing used at ground floor level must be laminated.
- All entrances should be well lit.
- Car Parking areas should be well lit with no dark areas, Lighting design should be co-ordinated with a CCTV installation to avoid any conflicts and to ensure that the lighting is sufficient to support a CCTV system. Light fittings should be protected where vulnerable to vandalism and the lighting scheme in line with standard BS5489.

- Any bin stores should be lockable to prevent attempted arson attacks.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant did not enter into any pre application discussions with the Local Planning Authority, the proposals were in accordance with the principles of the National Planning Policy Framework and did not require any alterations or modification.