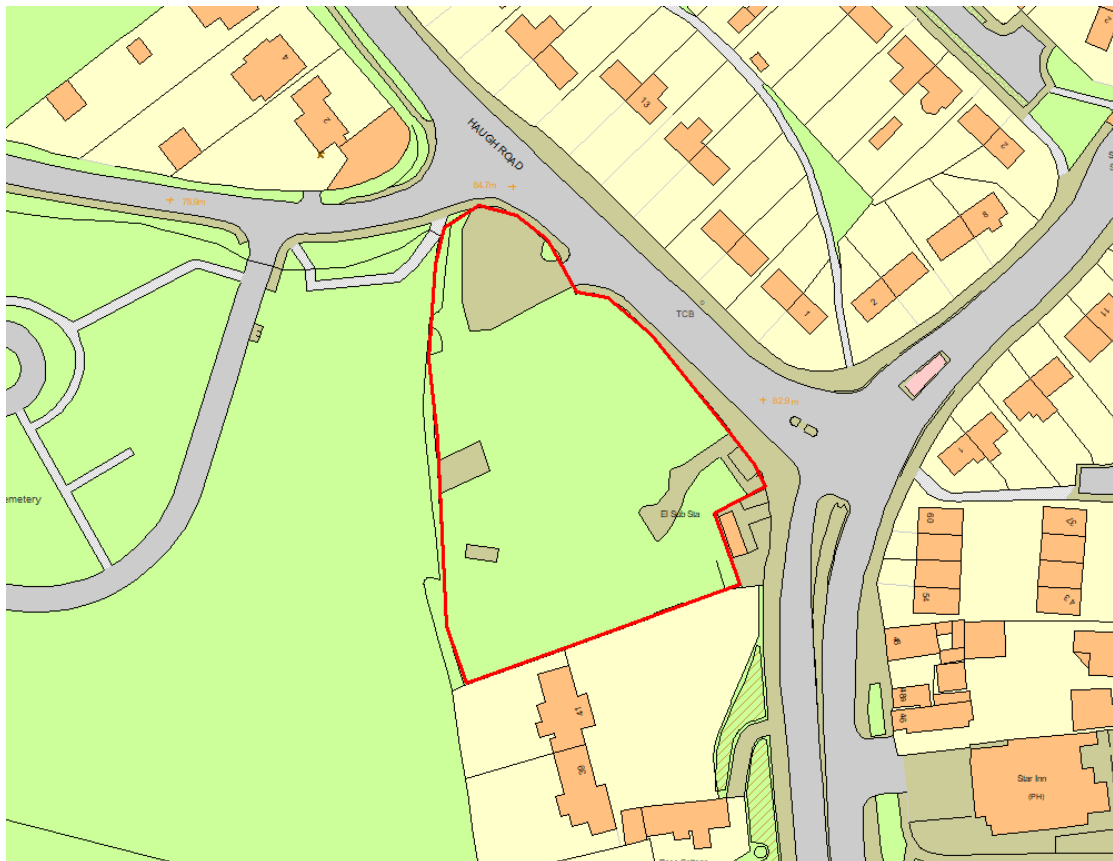


**REPORT TO THE PLANNING BOARD  
TO BE HELD ON THE 14<sup>th</sup> May 2026**

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

<b>Application Number</b>	<b>RB2024/1621</b> <a href="https://rotherham.planportal.co.uk/?id=RB2024/1621">https://rotherham.planportal.co.uk/?id=RB2024/1621</a>
<b>Proposal and Location</b>	<b>Erection of 13 Dwellings and garages at Land at Haugh Road, Rawmarsh</b>
<b>Recommendation</b>	<b>Grant with conditions</b>

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



**Site Description & Location**

The site is approximately 1.25 hectares in size and is currently vacant and in an overgrown state. The north of the site includes an area of hard surfacing which was formally a car parking area however is in an overgrown state. A former telecommunications mast was previously located on the western side

of the site. However, this was removed in 2023. There is mature tree cover along the western and southern boundary.

The site was formally occupied by a swimming pool which was demolished 2000 – western 2001 and has been left vacant since. The Council subsequently sold the site, and applicant purchased it in September 2023.

The site is accessed off Haugh Road and is within a largely residential area, with residential properties to the north, south and east though abuts a cemetery designated as Green Belt to the west.

The site is allocated housing site H14 Land off High Street, Rawmarsh in the adopted Local Plan which extends to an additional 0.51 hectares.

## **Background**

There is a long planning history at this site that relates to its former use as a swimming pool and for garages on the site which have now been demolished. The most relevant planning history is as follows:

RB2009/0198: Outline application for erection of 16 No. dwellinghouses and community garden including details of access - WITHDRAWN 02/04/09

RB2010/1412: Outline application for erection of 16 No. dwellinghouses and community garden including details of access (Application under Regulations 3 & 9A of the Town & Country Planning General Regulations 1992)- GRANTED CONDITIONALLY 17/01/11

RB2020/0316: Erection of 16 No. dwellinghouses and 6 No. apartments - TREATED AS WITHDRAWN 19/03/24

## **Community Infrastructure Levy**

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

## **Proposal**

The proposal is for the erection of 13 No. dwellings.

The plans were amended during the course of the application process by increasing the fenestration to the road side elevation of the two dwellings fronting Haugh Road, Plots 1 & 13 primarily so as to provide a stronger road frontage appearance.

There would be a mix of house types. The mix is as follows:

- 10 No. 3 bedroom semi-detached dwellings
- 3 No. 3 bedroom detached dwellings
- Plots 1, 2 and 13 would have attached single garages with Plots 6 & 12 having detached single garages.

The new build dwellings would be constructed of a brick and render with dark grey windows and doors and grey concrete tiles.

### Design and Access Statement

The Statement provides details on the site, its surroundings and the built form of the area. It sets out the design brief and provides a detailed breakdown of the design proposals. There are details on consultation and building for life.

### Planning Statement

The Statement provides details on the site, its surroundings as well as an overview of the proposed development and how it relates to policy.

### Affordable Housing Statement

The Affordable Housing Statement addresses argues that the site is financially unviable to provide affordable housing. The applicant subsequently submitted a Financial Viability Assessment to justify why an affordable housing contribution is not viable for the site.

### Preliminary Ecological Impact Assessment

The Preliminary Ecological Impact Assessment makes an analysis of the ecology value at the site. The Assessment makes recommendations for mitigation measures and suitable ecological enhancements at the site.

### Biodiversity Net Gain Assessment

The submitted Biodiversity Net Gain Assessment concludes that: "The Site habitat baseline provides a total of 8.04 habitat units. The results of the biodiversity net gain assessment for the habitat areas demonstrated that the post-development habitats proposed for the Site would result in a net change of -3.83 habitat units resulting in an overall net loss of -3.83%." As such, for

the 10% net gain target to be achieved the applicant would need to provide off site provision such as in a habitat bank.

## **Development Plan Allocation and Policy**

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

The application site is allocated for Residential purposes (H14) in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

### *Core Strategy Policies*

CS1 'Delivering Rotherham's Spatial Strategy'  
CS6 'Meeting the Housing Requirement'  
CS7 'Housing Mix and Affordability'  
CS14 'Accessible Places and Managing Demand for Travel'  
CS19 'Green Infrastructure'  
CS20 'Biodiversity and Geodiversity'  
CS21 'Landscapes'  
CS22 'Green Space'  
CS23 'Valuing the Historic Environment'  
CS25 'Dealing with Flood Risk'  
CS26 'Minerals'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
CS30 'Low Carbon and Renewable energy generation'  
CS32 'Infrastructure delivery and developer contributions'  
CS33 'Presumption in Favour of Sustainable Development'

### *Sites and Policies Document Policies*

SP26 'Sustainable Transport for Development'  
SP32 'Green Infrastructure and Landscape'  
SP33 'Conserving the Natural Environment'  
SP35 'Protected and Priority Species'  
SP36 'Soil Resources'  
SP37 'New and Improvements to Existing Green Space'  
SP47 'Understanding and Managing Flood Risk and Drainage'  
SP52 'Pollution Control'  
SP54 'Contaminated and Unstable Land'  
SP55 'Design Principles'  
SP56 'Car Parking Layout'  
SP57 'Sustainable Construction'  
SP62 'Safeguarding Community Facilities'  
SP64 'Access to Community Facilities'

## **Other Material Considerations**

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

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

The National Planning Practice Guidance (NPPG)

The National Design Guide

National Prescribed Space Standards

South Yorkshire Residential Design Guide

Rotherham Adopted Supplementary Planning Documents:

- Air Quality and Emissions
- Promoting Healthy and Equal Communities
- Affordable Housing
- Community Facilities
- Transport Assessments, Travel Plans and Parking Standards
- Biodiversity Net Gain
- Trees
- Development Viability

## **Publicity**

The application has been advertised by way of press and site notice as well as by individual neighbour notification letters to adjacent properties. In total the Council has received 29 objections. The comments raised are summarised below:

### Main Issues Raised

- Many respondents assert that the land was gifted to the people of Rawmarsh by the Fitzwilliam family to be used for the people of Rawmarsh for recreational or a community use and that a restrictive covenant is placed on the land to require this.
- Respondents frequently state that Rotherham Metropolitan Borough Council did not have the legal right to sell the site, and some request clarification or investigation into how ownership was established and authorised.
- A number of representations raise concerns about the transparency and process of the land sale, including when it occurred and how sale proceeds were used.

- The current scheme does not provide any community benefit.
- Previous schemes on the site included some form of community land or public open space to provide some benefit to the local community.
- The application is similar to previous applications which were refused or withdrawn so why would this scheme be considered to be acceptable.
- Neighbouring residents raised concerns about loss of privacy, and changes in levels, which could lead to overlooking or overbearing impact to neighbouring residents.
- Concerns have been raised about boundary treatments to ensure that overlooking does not occur.
- A significant number of respondents raise concerns about existing traffic congestion, particularly around Haugh Road, High Street, Greasborough Lane, and Cinder Bridge Road.
- The proposed access arrangement is considered by some to be poorly located and potentially hazardous, especially given proximity to junctions and a nearby school.
- Respondents argue that additional dwellings would exacerbate congestion, on-street parking pressure, and road safety risks.
- Several representations consider that a cluster of dwellings would have a negative visual impact, reducing open views and altering the character of what is perceived as an open and prominent site within Rawmarsh.
- Concerns are raised that development would be visually intrusive when viewed from surrounding roads and neighbouring properties.
- Many objectors stated that as the land was bequeathed to the residents of Rawmarsh it should be used for a community or recreational purpose for the benefits of the local residents.
- One representation requests that a formal ecological assessment be undertaken, citing the presence of flora and fauna on and adjacent to the site.
- Reference is made to former clean air zone designation, with concerns that increased traffic would undermine air quality objectives.

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

## **Consultations**

RMBC Transportation Infrastructure Service: No objections subject to conditions.

RMBC Affordable Housing Officer: The site should go through a viability assessment to demonstrate whether or not it can achieve the required affordable housing .

RMBC Trees and Woodlands: No comments.

RMBC Landscapes: No objections subject to conditions.

RMBC Land Contamination: No objections subject to conditions.

RMBC Environmental Health: No objections subject to conditions.

RMBC Education: No education contribution is required.

RMBC Ecology: No objections subject to the securing of suitable level of habitat units at a registered Habitat Bank to be able to provide the 10% net gain required on this site.

RMBC Drainage: No objections subject to conditions.

South Yorkshire Police Architectural Liaison Officer: No objections but recommend the scheme is built to Secured by Design.

South Yorkshire Archaeological Service: No objections subject to conditions.

The Coal Authority: No objections subject to conditions.

Rotherham NHS CCG: Notes that due to the size of the development it would not have a discernible impact on local services.

## **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 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.

The main considerations in the determination of the application are:

- Principle of the development
- General Design Considerations
- General amenity
- Highway impact
- Air Quality and Ground Contamination
- Ecology
- Land contamination
- Impact on Archaeology

- Other issues raised by objectors

### Principle of the development

The site is allocated in the adopted Rotherham Sites and Policies Document for Residential purposes. Accordingly, the site is a brownfield site, having previously been occupied as a public swimming baths. The principle of residential development is acceptable from a land use perspective subject to the developments satisfying other relevant material planning considerations.

The site forms part of the housing allocation H14 in the adopted Sites and Policies Document. The site development guidelines for H14 are for the site to have the capacity of 16 dwellings, and sets out details of how the site should be developed. In particular, it is noted that future development proposals should be supported by a Heritage Statement and an underground watercourse should be investigated and mitigated if necessary.

The proposal will provide 13 No. dwellings, 3 less than the capacity envisaged in the housing allocation. However, the reduced numbers is considered appropriate in this instance to provide a sufficiently attractive development and to provide the preservation of a number of mature trees on the edges of the site.

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

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

In this instance the proposal is for residential development of this site is broadly in accordance with the site development guidelines set out in the Housing Allocation H14 and is considered to be acceptable within this residential area.

### General Design Considerations

In terms of the general design considerations, 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.

Paragraph 131 of the NPPF states: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

Paragraph 139 states *“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

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

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 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.

Further to negotiations with the applicants, the Plots 1 and 13 have been amended to include windows fronting Haugh Road, to provide a more active frontage to the street scene. A boundary wall is also proposed for the Haugh Road elevation, enclosing the private garden areas of the plots closest to the road.

The house types are slightly varied across the site, using materials that reflect the local area.

It is considered that the amended plans for Plots 1 & 13, the site layout and design of the dwellings across the site, would all have an acceptable appearance and the mix of housing types across the site would provide visual interest and character to the surrounding area.

Overall, the proposals for the residential development of this site is considered to improve this largely wasteland site and to enhance the character and appearance of Haugh Road and the wider surrounding area.

### General Amenity

The South Yorkshire Residential Design Guide (SYRDG) sets out appropriate spacing distances between properties. The SYRDG states that there should be a minimum of 21m between principal elevations or elevations with habitable room windows; and that an elevation with a habitable room window should be a minimum of 10m from a boundary with another property.

In this instance the dwellings have been designed to meet the minimum separation distances set out in the SYRDG. The internal spacing also exceeds the minimum set out within the National Standards.

The proposed development has been designed so as not to overlook, harm the outlook of or appear overbearing to future occupiers of these new building dwellings.

The Council's Environmental Health Officer raised concerns about potential noise nuisance for future residents from road noise and ambient noise levels. However, the Officer concluded that the appropriate mitigation measures including the installation of standard double glazing and appropriate ventilation could mitigate this impact for future residents in terms of internal noise. Noise levels in external amenity spaces can be achieved by enclosing the gardens of properties facing the A633/Haugh Road, High Street and Greasbrough Lane with 2m high solid timber fences (or equivalent).

The Council's Environmental Health Officer recommended suitable conditions relating to sound attenuation for internal and external spaces.

Having regard to the above it is considered that the proposed development would not adversely affect the amenity of existing neighbouring residential properties or the amenity of future residents of the proposed development. Accordingly, the scheme would comply with the NPPF, Local Plan Policies and the South Yorkshire Residential Design Guide.

## Highway impact

Paragraph 113 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.”*

Local Plan Policy CS14 ‘Accessible Places and Managing Demand for Travel’ states that 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.

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

Policies CS14 and SP26 are supported by paragraphs 114 and 116 of the NPPF.

The Council’s Highways Officer has provided the following comments on the application:

*I note that the site was previously used a swimming baths, and that there is an existing vehicle entrance into the site associated with that use. The proposed vehicle entrance for this application, has been relocated slightly east of the existing entrance, which increases the distance from the nearby Greasbrough Lane junction. Vehicle speeds are low in this area and therefore I am satisfied that the location of the proposed vehicle access is acceptable. The applicants agent has demonstrated on plan, a visibility splay of 43m in each direction from a point 2.4m set back, with both the splays in each direction being within the adopted highway. The proposed access also has a width capable of accommodating two way traffic with a 6m radius.*

*It should be noted that there is a BT post that may be required to be moved by the applicant, and this should be relocated at their expense, should the application be granted.*

*Car parking for each dwelling, is in accordance with the Councils parking standards with either 1no or 2no spaces provided per dwelling and cycle storage is also shown. In addition, the development also proposes 4no visitor car parking spaces within their own ‘bays’, though as the development does not propose a shared use surface, then there is no requirement to show these visitor car parking spaces and as such, they may be amended / removed to*

*provide amenity space. I also note that plots 5,6,7 and 8 will be served from a private drive.*

*Turning for a refuse vehicle is provided, and a footway is shown along one side of the development, though it should be noted that this will require the development to have a macadam carriageway.*

*As such, I can confirm that I have no objections to the granting of planning permission in a highway context subject to the following conditions.*

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

The Council’s Highway Officer recommends a number of conditions relating to sustainable travel, details of construction of the access road and parking areas and the closure of the existing access to the site, as well as a number of additional conditions relating to highway works. It is considered reasonable to append these recommended conditions to any approval granted in this respect.

#### Air Quality and Emissions

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

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

The SPD notes that there should be 1 charging point per unit (dwelling with dedicated parking) and 1 charging point per space (unallocated parking). Accordingly, details of the type and location of EV Charging Points will be required. This information can either be submitted with the application or can form part of a condition attached to any approval.

A condition has been attached requiring an electric charging point to be provided for each dwellings to encourage more sustainable forms of private transport modes. This includes the provision of EV charging points to the allocated parking spaces 1 per dwelling for the converted farm buildings.

## Affordable Housing

Policy CS7 'Housing Mix and Affordability' requires proposals for new housing to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment. The Council will seek the provision of 25% affordable housing on sites of 15 dwellings or more.

The Council's Affordable Housing Officer stated the "*affordable housing requirement for this site would be £30,000. In November 2014 the Government at the time brought in legislation that affordable housing contributions cannot be levied on schemes of 10 units or less. Therefore, the application of the £10,000 per unit contribution applies to units 11, 12 and 13 only on this scheme. This give a total affordable housing contribution of £30,000 which will be required from the developer to be paid as a commuted sum.*"

However, the applicant argued that the site was not viable to provide this sum. The applicant subsequently submitted a Viability Assessment which was assessed by external consultants.

The external consultants agreed with the submitted viability assessment and concluded that the scheme was not financially viable to provide the required affordable housing requirement.

As such, in this instance it is accepted that the site is not financially viable to provide affordable housing contribution in this instance.

## Ecology

Policy SP32 'Green Infrastructure and Landscape' states 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." Such an approach accords with relevant policies and guidance in the Core Strategy and the NPPF.

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.”

The site is previously developed and consists of areas of hardstanding that were previously related to car parking areas at the site.

The Council’s Ecologist has provided the following comments:

*“Initially require Preliminary Roost Assessment carried out trees deemed to have low viability.*

*The ecology report states that site will likely support foraging and commuting bats. The site will require a low-level lighting scheme prepared by a lighting engineer to ensure there is no light spill onto the boundary vegetation during both the construction phase of the development and when in-use. Artificial lighting design needs to be designed in accordance with the ‘Guidance Note 08/23: Bats and Artificial Lighting At Night’ Institute of Lighting Professionals, 2023.*

*In line with the report, it should also be conditioned that if any vegetation or structures are required to be removed as part of the development prior and during, then this should be undertaken outside of the bird breeding season (March to August inclusive).*

*The ecology report has identified the potential for badgers to be using the development site for foraging and commuting and therefore they may be harmed by the development.*

*Boundaries and barriers within and surrounding the development, including fencing, railing and gates need to be made permeable to hedgehogs through the provision of ‘Hedgehog Highways’. Hedgehog holes can be created by 13x13cm holes at ground level within fences, or by leaving a sufficient gap beneath gates and/or leaving brick spaces at the base of brick walls. Alternatively, hedgehog friendly gravel boards are suitable (as shown below sourced by Kebur Garden Materials and Jacksons Fencing). To ensure holes are kept open ‘Hedgehog Highway’ signage should be provided and secured above the holes.*

*The site will require some biodiversity enhancements on-site in the form of bat roosting features, bird nesting boxes and hedgehog holes. This is in line with the National Planning Policy Framework Paragraph 180 (d) stating that opportunities to improve biodiversity in and around development should be integrated as part of their design. A suitable biodiversity enhancement condition is recommended in this respect.*

*The preliminary ecological appraisal outlined several precautionary working measures that must be carried out during the development phase to minimise the impacts on the protected species that may be present (Badgers)."*

In terms of Biodiversity Net Gain the applicant has submitted a Biodiversity Net Gain Metric and statement (Weddles 2024) based on the Statutory Defra Biodiversity Metric calculations, the proposed development will result in an overall change in Habitat Units to -47.65% (-3.83 Habitat units) and a change in Hedgerow units to 0.13 units. Overall, there is a deficit of -3.83 Habitat Units.

In order to achieve the 10% net gain target required for the Environment Act (2021) a further 4.63 Habitat units are required. The applicant will need to outline how they will achieve 10% net gain for this development. The applicant has stated that there is little potential to achieve further units on-site and they have offered to purchase units from a registered habitat bank.

The details of this purchase will need to be set out along with the details of the habitat units created as part of any biodiversity net gain discharge of condition.

### Land Contamination

With regards to land contamination, the Council's Contaminated Land Officer has made the following comments:

*The application site comprises 0.49 hectares of land located on the former Rawmarsh Swimming Pool site on Haugh Road, Rawmarsh, Rotherham centred on National Ordnance Grid Reference 443570 396300. The site currently comprises a former car parking area in the north of the site, a central site area formally occupied by a main swimming pool building and a partially hard surfaced area in the south and south-east that was formally occupied by a series of small sheds.*

*Historical maps depict the application site has having formed part of a garden area to a house known as Rawmarsh Hall, dating from circa 1854 to 1922. By 1935 Rawmarsh Hall had been demolished and the site was then shown to be occupied by a public bath, located in the centre of the site. By 1958 a series of small buildings were located of the south of the site which were known to be domestic garages. By 1970 the public baths had been extended to the north of the site and further domestic garages had been constructed in the south. The site then remained unchanged until 2000 when all buildings had been cleared from the site, with the exception of a few garages in the south of the site. By 2015, all remaining garages had gone and the site has remained vacant land to the present date.*

*Historically, the land was in use as residential/garden area prior to becoming occupied by a public bath. The swimming pool is thought to have included a below ground structure that is likely to have been infilled when the buildings were demolished. The swimming pool included for a chimney which suggests a boiler house was present on the site to heat the pool. Oil and fuel storage is therefore likely to have been carried in close proximity to the baths. The southern part of the site has been used for domestic garages. Ground contamination may therefore be present based on the past uses of the site.*

For this reason, there is potential for near surface soils at the site to be contaminated. Such contaminants may include:

1. Presence of naturally occurring metals in the soil
2. Presence of heavy metals/metalloids, PAHs, sulphates associated with the former buildings on site
3. Presence of asbestos containing materials
4. Unknown contaminants associated with fly tipped material
5. Hazardous ground gas and mines Gas

The application site is underlain by shallow coal seams that may have been worked in the past. The coal workings could present a source of ground gas that may affect the development.

Additionally, there is also potential for shallow unrecorded workings to be present beneath the site which could cause future settlement issues at the site. Site investigation works are therefore required to identify any potential shallow workings. Dependent on the findings of these investigations, there may be a need for drilling and grout stabilisation of shallow workings. However, the past coal mining legacy issues at this site have been addressed by the Coal Authority and therefore further comment is outside the scope of this assessment.

Residential development is proposed for the site which could introduce a sensitive receptor (i.e. human health) with the potential for exposure to soil contamination, if present, in private gardens or areas of soft landscaping. The developer will therefore need to demonstrate that the land is suitable for its proposed end use and will not pose an unacceptable risk to human health.

Based on the above it is considered that a Phase II Intrusive Site Investigation should be undertaken to confirm the ground conditions across the site and to assess for any contamination which may exist within the surface soils at the site.

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

The Council's Contaminated Land Officer recommends a number of conditions to deal with the potential for contaminated land at this site. It is considered reasonable to append these conditions to any planning permission granted in this respect.

#### Impact on Archaeology

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

The site was previously occupied by a medieval hall. This building was demolished in the early C20th.

The Council's Archaeologist has noted that "the information they have provided has revealed that the site of the medieval hall is now likely to be largely in Haugh Road following road widening in the late 20<sup>th</sup> century. There is still the potential for archaeological remains of interest within the southern part of the site, but the significance of such remains would be less than if the hall was present. As such, the Council's Archaeologist is happy for the archaeological impacts to be dealt with through condition for a Written Scheme of Investigation.

It is considered reasonable to append this condition to any planning permission granted in this respect.

#### Other issues raised by objectors

The majority of the objections related to the focus on historical ownership, relating to the gifting of the land to the residents of Rawmarsh to the Council at the time. Concerns have been raised about due process being followed and accountability of RMBC for the correct disposal of the land. Whilst these comments are all noted they are not, material planning considerations. The land in question was disposed of by RMBC and the site in question was not subject to a legal covenant restricting the use of the land for a community use for local residents. The Council has also undertaken a Land Registry search, which has shown that there is no restrictive covenant on the land for the people of Rawmarsh. Whilst the concerns of local residents are fully noted, it is considered that these are not material planning considerations and cannot be taken into account in the consideration of this application.

#### **Conclusion**

It is concluded that notwithstanding the objections received, the application represents an acceptable form of development on land allocated for Residential purposes, and is of an appropriate design that would not adversely affect the character or appearance of the locality. Furthermore, subject to conditions, the proposal would not adversely affect the amenity of existing and proposed residents, would not result in highway safety issues or

drainage, ecological or environmental issues. The application would comply with the relevant national and local planning policies and guidance, and is therefore recommended for approval subject to the following conditions.

### **Conditions**

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 7, 16, 28, 31 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

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

ii. The details required under condition numbers 7, 16, 28, 31 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

### **General**

01

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

Reason

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

02

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

List of plans

T/HR/21/P1 Site Layout Plan (received 6/11/2025)

T/HR/23/D1 Drainage Drawing

T/HR/Plot 2

T/HR/Plot 3

T/HR/Plot 4 to 7

T/HR/Plot 8-11

T/HR/Plot 12

Site Location Plan (received 06/12/2025)

T/HR/Plot1 Showing boundary wall (Amended) (received 28/04/2026)

T/HR/Plot 13 (received 28/04/2026)

Reason

To define the permission and for the avoidance of doubt.

03

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

Reason

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

04

Prior to occupation of the dwellings hereby approved, a detailed landscape scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape scheme shall be prepared to a minimum scale of 1:200 and shall clearly identify through supplementary drawings where necessary:

- The extent of existing planting, including those trees or areas of vegetation that are to be retained, and those that it is proposed to remove.
- The extent of any changes to existing ground levels, where these are proposed.
- Any constraints in the form of existing or proposed site services, or visibility requirements.
- Areas of structural and ornamental planting that are to be carried out.
- The positions, design, materials and type of any boundary treatment to be erected.
- A planting plan and schedule detailing the proposed species, siting, quality and size specification, and planting distances.
- A written specification for ground preparation and soft landscape works.
- The programme for implementation.
- Written details of the responsibility for maintenance and a schedule of operations, including replacement planting, that will be carried out for a period of 5 years after completion of the planting scheme.

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policy SP32 Green Infrastructure and Landscape.

Highways

05

When the proposed access has been brought into use, the existing access marked on the submitted plan (Swimming baths entry/exit) shall be permanently closed and the kerbline and footway reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason

In the interests of highway safety.

06

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

a/ a permeable surface and associated water retention/collection drainage, or  
b/ an impermeable surface with water collected and taken to a separately constructed water retention / discharge system within the site.

All to the satisfaction of the Local Planning Authority and shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained, and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity.

07

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

Reason

To ensure that the roads are properly constructed and suitably drained.

08

Prior to the commencement of development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing how the use of sustainable/public transport will be encouraged. The agreed details shall be implemented in accordance with a timescale to be agreed by the Local Planning Authority. This can be in the form of a leaflet for each prospective new occupier setting out bus timetables, nearby cycle routes, local schools, doctors etc.

Reason

To promote sustainable transport choices.

09

Prior to the commencement of works a Construction Method Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for; Storage / loading / unloading of materials / plant; and car parking facilities for the construction staff and include reference as to how the development will legally take access from the adjacent highway i.e. s278 or s184 agreement.

Reason

In the interests of highway safety.

10

Prior to the commencement of works, details of vehicle charging points (1 per dwelling) shall be submitted to and approved by the local planning authority. Dwellings shall not be occupied until the charging point has been provided, and it shall thereafter be retained.

Reason

In the interest of Air Quality.

11

The development shall not be commenced until details of the proposed alterations in the highway at the junction of the proposed vehicle access and Haugh Road, indicated on plan reference T/HR/21/P1 revision D, have been submitted to and approved by the Local Planning Authority and the approved details shall be implemented before the development is brought into use.

NB. You will appreciate that these works will require an Agreement under S278 Highways Act, 1980 and involve the provision of new vehicle access and the reinstatement of part of the kerblin fronting Haugh Road.

Reason

In the interests of highway safety.

### Air Quality and Emissions

12

Prior to the occupation of the dwellings hereby approved, details of vehicle charging points (1 per dwelling) shall be submitted to and approved by the local planning authority. The dwellings shall not be occupied until the charging points have been provided, and they shall thereafter be retained.

Reason

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

## Land Contamination

13

Prior to above ground works commencing a Phase II Intrusive Site Investigation complete with Regeneration & Environment ground gas monitoring shall be undertaken to assess the geotechnical and geo-environmental conditions across the site. The investigation and subsequent risk assessment must be undertaken by competent persons, and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The above works shall be conducted in line with guidance document 'Land Contamination Risk Management' (June 2025) and predecessor guidance 'Model Procedures for the Management of Land Contamination, CLR 11 (Environment Agency, 2004) and BS10175:2011+A2 2017 (BSI, 2017)

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan.

14

Prior to above ground works commencing and subject to the findings of item 1 above, a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation works commencing on site. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan.

15

If during development works unexpected significant contamination is encountered, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement.

Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan.

16

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

#### Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan.

17

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

#### Reason

To ensure the safe occupation of the site in accordance with Policy SP54 of the Rotherham Local Plan.

#### Drainage

18

The development hereby granted shall not be occupied until details of the foul, surface water and land drainage systems and all related works necessary to drain the site have been submitted to and approved by the Local Planning Authority. These works shall be carried out concurrently with the development and the drainage system shall be operating to the satisfaction of the Local Planning Authority prior to the occupation of the development.

The Developer should be aware that a Sustainable Drainage System (SuDS) is the Local Planning Authority's preferred option. A detailed explanation of any alternative option and reasons for rejecting a SuDS solution will be required.

No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be designed, managed and maintained in accordance with the Non-statutory technical standards and local standards.

#### Reason

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

## Ecology

19

Notwithstanding the submitted details, before above ground works commence details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall clearly demonstrate that lighting will not cause excessive light pollution or disturb or prevent bats or other species using key corridors, foraging habitat features or accessing roost sites. The details shall include, but not limited to, the following:

- a) A drawing showing sensitive areas and/or dark corridor safeguarding areas;
- b) Technical description, design or specification of external lighting to be installed including shields, cowls or blinds where appropriate;
- c) A description of the luminosity of lights and their light colour;
- d) A drawing(s) showing the location and where appropriate the elevation and height of the light fixings;
- e) Methods to control lighting control (e.g. timer operation, passive infrared sensor (PIR));
- f) Lighting contour plans both horizontal and vertical where appropriate and taking into account hard landscaping, etc.

All external/internal lighting shall be installed in accordance with the specifications and locations set out in the approved details. These shall be maintained thereafter in accordance with these details. Under no circumstances shall any other external lighting be installed.

Reason

In the interest of ecology.

20

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

Reason

To protect species protected by law.

21

Works which include the creation of trenches or culverts or the presence of pipes shall include measures to protect badgers from being trapped in open excavations and/or pipes and culverts as stated in the ecology report [Section 4.5.1.3.; Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment, Quants Environmental, February 2024] These measures may include:

- a) Creation of a sloping escape ramp for badgers which may be achieved by edge profiling of trenches/excavations or by using plans placed into them at the end of each working day;
- b) Chemicals should be stored in secure compounds;
- c) Open pipes should be temporarily capped at the end of each working day to prevent any animals gaining access;
- d) In the unlikely event that a suspected badger sett is found within or adjacent to the site in the future any work within 30 metres of the suspected badger sett must stop immediately and advice sought from a suitably qualified ecologist.

Reason

To protect species protected by law.

22

Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog holes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

The scheme shall include, but not limited to, the following details:

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

Noise Attenuation and Amenity

23

All noise mitigation measures as detailed in Section 4.2 (Scheme of Sound Attenuation) and Table 4.1 (Required Sound Reduction of Façade Elements) of the Noise Impact Assessment by Environmental Noise Solutions Limited, dated 19th June 2025 (Ref: NIA-11855-25-12095-v1 Haugh Road, Rawmarsh) shall be implemented in full prior to first occupation.

Reason

To safeguard the amenities of future occupiers in accordance Policy SP52 'Control of Pollution.'

24

Prior to first occupation, all gardens fronting towards the A633/Haugh Road, High Street and Greasbrough Lane shall be enclosed with 2m high solid timber fences or equivalent (e.g. solid masonry walls with a minimum mass per unit area of  $\geq 10 \text{ kg/m}^2$ ), as detailed in Section 4.3 (External Amenity) and Appendix 3 (Proposed Boundary Screening) of the Noise Impact Assessment by Environmental Noise Solutions Limited, dated 19th June 2025 (Ref: NIA-11855 25-12095-v1 Haugh Road, Rawmarsh). The fence shall be maintained in good order throughout the duration of the consent so as to ensure its continued effectiveness.

Reason:

To safeguard the amenities of the occupiers of the proposed development in accordance with RMBC Policy SP52 and parts 12 and 15 of the NPPF.

Archaeology

25

Part A (pre-commencement)

No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Part B (pre-occupation/use)

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason:

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

## Informatives

01

### Biodiversity Net Gain

Please note that Informative 1 relates to Biodiversity Net Gain, and notes that this permission is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The Informative adds that failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

Unless an exception or a transitional arrangement applies<sup>1</sup>, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that **development may not begin** unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be Rotherham MBC. Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

### Biodiversity Gain Plan

The biodiversity gain plan must include/accompanied by:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat<sup>4</sup> present within the onsite baseline.
- (h) any additional information requirements stipulated by the secretary of state.

### The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

1. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
2. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.
  - Listed exemptions from Statutory BNG and transitional arrangements can be found at Biodiversity net gain: exempt developments - GOV.UK ([www.gov.uk](http://www.gov.uk))
  - The Statutory Biodiversity Gain Plan template can be found at <https://www.gov.uk/government/publications/biodiversity-gain-plan>
  - Minimum legal requirements for the Biodiversity Gain plan can be found at [https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015\).-,Biodiversity%20gain%20plan,-14](https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015).-,Biodiversity%20gain%20plan,-14)
  - Irreplaceable habitats for the purposed of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. A full list of irreplaceable habitats can be found at <https://www.legislation.gov.uk/uksi/2024/48/schedule/made>
  - Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and may be subject to the nature of your application <https://www.legislation.gov.uk/uksi/2015/595#:~:text=Additional%20content%20of%20plan>

Where a Habitat Management and Monitoring Plan is required:

<https://publications.naturalengland.org.uk/publication/5813530037846016>

02

### Highways

This relates to condition 11. You will appreciate that these works will require an Agreement under S278 Highways Act, 1980 and involve the provision of new vehicle access and the reinstatement of part of the kerbline fronting Haugh Road. Contact with my colleague David Phillips should be made to commence the legal agreement in good time, using the email address [david.phillips@rotherham.gov.uk](mailto:david.phillips@rotherham.gov.uk)

#### INF40 – Highways Conditions(s)

Please note that the Local Planning Authority will not discharge Condition 7 and 11 until the required works have received full technical approval from the Highway Authority. Applicants are therefore advised not to submit any application for the discharge of these conditions until written confirmation of technical approval has been issued by the Highway Authority.

03

### Environmental Health

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

04

### Drainage Informatives:

In order to discharge Drainage Conditions, the applicant is advised that they would be expected to submit information including but not limited to the following:

Surface water drainage plans should include the following:

Flood resilience should be duly considered in the design of the new building/s or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

*Rainwater pipes, gullies and drainage channels including cover levels.*

- *Inspection chambers, manholes and silt traps including cover and invert levels.*
- *Pipe sizes, pipe materials, gradients and flow directions.*
- *Soakaways, including size and material.*
- *Typical inspection chamber / soakaway / silt trap and SW attenuation details.*
- *Site ground levels and finished floor levels*

#### Surface Water Discharge From Brownfield Site:

There should be no increase in surface water discharge from the site to existing sewers / watercourses. On site surface water attenuation will therefore be required if drained areas to existing sewers/watercourses are to be increased.

A 30% net reduction to existing peak discharge (up to a 1/100 yr storm + 40% CC) will be required if the site is being re-developed. A full justification will be required where the development cannot achieve the 30% betterment on the existing run-off rate.

#### On Site Surface Water Management:

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc. to demonstrate how the 100 year + 40% CC rainfall volumes will be controlled and accommodated.

Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within highway.

Guidance on flood pathways can be found in BS EN 752.

If infiltration systems are to be used for surface water disposal, the following information must be provided:

- *Ground percolation tests to BRE 365.*
- *Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.*
- *Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003*
- *Volume design calculations to 1-in 100-year rainfall + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.*
- *Location plans indicating position (Soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.*
- *Drawing details including sizes and material.*
- *Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.*

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable)

If the development is proposing to make a new highway drainage connection to an existing highway drainage system, detailed CCTV surveys and modelling of the existing highway drainage system will be required to determine the capability to accept additional flow. Discharge will be limited to greenfield run-off rates.

Any SuDS/Drainage system installed must not be at the detriment to the receiving watercourse or ground (infiltration), so managing the quality of the run-off to must be incorporated into any design in accordance with CIRIA 753 The SuDS Manual

The design of flow control devices should, wherever practicable, include the following features:

- a) Flow controls may be static (such as vortex flow controls or fixed orifice plates) or variable (such as pistons or slide valves);*
- b) Controls should have a minimum opening size of 100 mm chamber, or equivalent;*
- c) A bypass should be included with a surface operated penstock or valve; and*
- d) Access should be provided to the upstream and downstream sections of a flow control device to allow maintenance.*

5. For major developments, the LPA is required to ensure there are suitable ongoing maintenance arrangements over the lifetime of the development (see NPPF paragraph 169, page 48).

Options for SuDS adoption and maintenance include:

- a) Adoption by Water and Sewerage Company (WSC) - The developer may enter into a section 104 agreement (Water Industry Act 1991) with the local WSC.
- b) Private Maintenance Arrangement.

Provide all drainage management and maintenance plans for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime (e.g. signed Section 104 agreement).

Whereby a private maintenance arrangement is proposed and the development is unlikely to remain under single ownership or within a single curtilage over its lifetime a condition will require a satisfactory legal agreement to be drawn up to provide for inspection and maintenance of the proposed surface water drainage scheme. This legal agreement is required BEFORE the first occupation of any dwelling or building on the site. Over the lifetime of the development an agreement must include the following:

- a) A detailed operational maintenance plan;
- b) Physical access arrangements for maintenance, and establishment of legal rights of access in perpetuity, prior to the commencement of any phase of the development;
- c) A financial revenue plan clearly setting out how funding for maintenance is to be raised over the lifetime of the development;
- d) A whole life cost analysis for capital maintenance over the lifetime of the development. Any values should be based on the current HM Treasury Present Value (PV) Discount Rate. Assumptions about the expected useful life of materials should be included in any such analysis; and
- e) Details of financial surety to ensure long-term maintenance and capital maintenance costs of apparatus. It is for the developer to demonstrate that a suitable financial underwriting arrangement is in place.

05

Ecology Informative:

If a bat or evidence of bats using a feature on site is discovered prior to or during development all work should stop immediately. A licensed bat consultant or Natural England must be contacted and works implemented only in accordance with methods advised by them. This advice note should be provided to any persons/contractors carrying out the development along with the contact details of a relevant ecological consultant.

In terms of discharging condition 21 this should include the below (where appropriate for the development):

- 3 bird box integrated into the building on a northerly aspect/orientation (north, north-east and north-west). Example specification includes the Schwegler Brick Box Type 24, Woodstone Sparrow Nest Box or an equivalent suitable for tits, sparrows or starlings. The boxes should be located between two to four metres high, ideally at the gable apex or at eaves. The box can be installed flush with the outside wall and can be rendered or covered so that only the entrance hole is visible.
- 3 swift bricks integrate into the building on any elevation but ideally under shadecasting eaves. They should be installed in groups of three, at a height above 5m and preferably with a 5m clearance between the host building and other buildings or obstructions. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place. Example specification includes the Manthrope 'GSWB' Swift brick or the Vivara Pro Cambridge Brick Faced Swift Nest Box. Alternatively, RSPB Swift Box may be more suitable for the development.

- 3 bat boxes should be integrated into buildings on a southerly aspect / orientation(south, south west, and south-east). Boxes should be located a minimum of 2 metres, but ideally 5-7 metres above ground, in a position near the eaves or gable apex. Placement should avoid windows, doors and wall climbing plants.
- Hedgehog holes between any fencing, railings, wall and gates to ensure the development is permeable to hedgehogs. These can be created by 13cmX13cm holes at ground level within fences or by leaving a sufficient gap beneath gates and/or leaving brick spaces at the base of brick walls. To ensure holes are kept open 'Hedgehog Highway' signage should be provided and secured above the holes.

Notwithstanding the submitted details, before above ground works commence a scheme for biodiversity enhancement, such as the incorporation of permanent bat roosting feature(s), hedgehog holes and nesting opportunities for birds, shall be submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme.

The scheme shall include, but not limited to, the following details:

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

#### General Informative for Protected Species

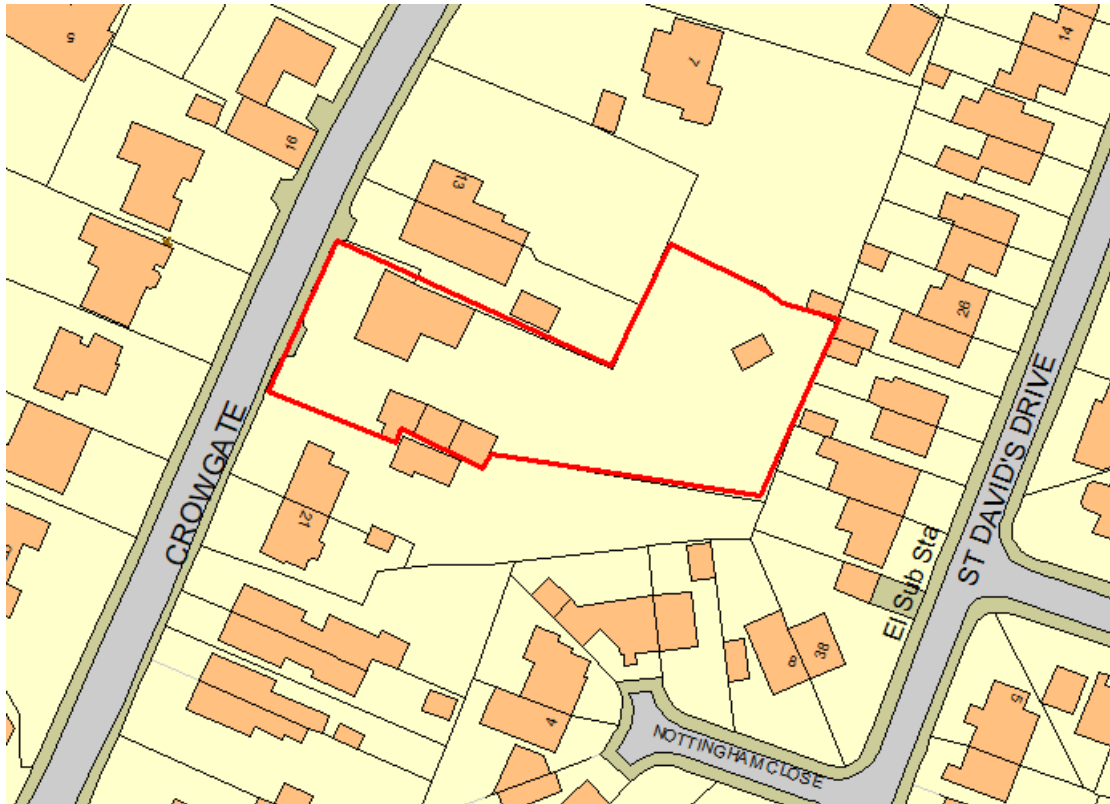
If a protected species (such as any bat, great crested newt, dormouse, badger, reptile, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. You should then seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats). This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.

## POSITIVE AND PROACTIVE STATEMENT

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

<b>Application Number</b>	RB2026/0215 <a href="https://rotherham.planportal.co.uk/?id=RB2026/0215">https://rotherham.planportal.co.uk/?id=RB2026/0215</a>
<b>Proposal and Location</b>	Application to vary conditions 02 (approved plans) and 06 (rota details) imposed by RB2025/0493 at 17 Crowgate South Anston Rotherham
<b>Recommendation</b>	Grant with conditions

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



### **Site Description & Location**

The application relates to an existing outbuilding/annexe located in the grounds of a detached dwellinghouse on Crowgate at South Anston. The property and the annexe are set back from the classified highway on Crowgate. The site is relatively large with substantial rear garden areas, off road parking to the front and a detached garage to the rear of the annexe.

Crowgate is the main classified road that links South Anston to Kiveton Park and in this location there are dwellings to either side of the highway before it runs through open countryside to the south leading into Kiveton Park.

### **Background**

There have been several applications relating to the dwelling and the annexe, including the following:

RB1997/0016 Change of use of veterinary building to form additional living accommodation and erection of conservatory with alterations – Granted conditionally

RB2019/1568 Roof alterations including 2 No. increased dormers to front and formation of new dormer window to rear – Granted conditionally RB2020/1157 conditionally

RB2021/1686 Erection of single storey detached triple garage – Granted  
Demolition of existing conservatory and erection of replacement conservatory – Granted conditionally

RB2023/1045 Erection of single storey detached garden building to rear – Granted conditionally

RB2025/0493 Change of use from residential building annexe (use Class C3) to children's care home (Use Class C2) with widening to vehicular access including demolition and rebuild of section of front boundary wall and alterations to entrance gates – Granted conditionally

## **Proposal**

Planning permission was granted in September 2025 (subject to several conditions) for the change of use of the existing annexe to a children's home.

This application seeks to vary two of the conditions that were imposed on the planning approval which was granted for the change of use of the property from a dwellinghouse (Use Class C3) to a children's home (Use Class C2) for 1 child..

The conditions that the applicant wishes to amend are as follows:

### *Condition 02*

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

### *Drawing nos:*

*3373-CDA-00-ZZ-DR-A-0401 Received 31 March 2025*

*3373-CDA-00-ZZ-DR-A-0402 Rev A Received 9 September 2025*

*3373-CDA-00-ZZ-DR-A-0001 Rev B Received 9 September 2025*

*3373-CDA-00-ZZ-DR-A-0400 Rev B Received 9 September 2025*

*3373-CDA-00-ZZ-DR-A-0403 Rev B Received 21 August 2025*

*3373-CDA-00-ZZ-DR-A-0404 Rev A Received 9 September 2025*

*ITY210112-GA- 009 Received 20 August 2025*

*25335-25-01 Received 20 August 2025*

*Reason*

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

*Condition 06*

*The use hereby permitted shall be restricted to no more than one child with two visiting carers in accordance with the rota details as set out in the submitted Appendix B Rota Summary received 4 June 2025.*

*Reason*

*In the interests of the amenities of the occupiers of nearby dwellings*

The site has off road parking to the front and the existing vehicular access is to be widened to 5m by removing a section of the front boundary wall and extending the existing dropped kerb as required by the original planning application (RB2025/0493).

The applicant seeks amend condition 02 (approved plans) and condition 06 to replace the original Rota (Appendix A (rev)) with a revised rota (Appendix B)

The proposed details/changes are as follows:

Condiiton 02

The amendments to the approved plans comprise the addition of a further parking space to the front of the property and the provision of a secure, enclosed amenity area for exclusive use by the child and carers at all times, with the wider garden remaining available for use when required, subject to safeguarding considerations.

Condiiton 06

<b>Appendix B (approved)</b>	<b>Appendix B (revised) (proposed)</b>	<b>Summary of change</b>
Two staff for 48hrs	Two staff for 48hrs Additional staff to be drafted in as needed	1 additional staff member if needed
Core sleepover staff 11pm to 7am	Core sleepover staff 11pm to 7am	No change
Handover times 10am – 10.30am one leaves another arrives	Handover times 10am one leaves another arrives	Minor material change in handover times, stating 10am only instead of 10 – 10:30am
Registered manager - short periods 2 to 3 times per week	Managers hours on site are flexible and are tailored to suit the home's needs	No material change
Professional visitors	Professional visitors	

<p>Regulation 44 inspector. (Once a month) arrives after 9am and leaves before 16.30. This is a mid-week visit. Visit duration 5hrs max.</p> <p>Social worker to the child (statutory visit every 6 weeks) arrives after 9am and leaves before 16.30. This is a mid-week visit. Visit duration 2hrs.</p> <p>OFSTED inspection- Once a year for two consecutive days. Again, this is mid-week arriving after 9am and leaving before 18.30.</p>	<p>Regulation 44 inspector. (Typically, once a month, this can be an announced or unannounced visit)</p> <p>Social worker to the child (statutory visits are every 6 weeks, maybe sooner or more frequent if needed)</p> <p>OFSTED inspection - several visits throughout the year</p> <p>Other professionals may visit the Children such as IRO's, advocates, LAC nurse, home tutor and maybe other professional bodies</p>	<p>No change in frequency but could be outside the hours of 9.30 to 16.30</p> <p>Could be more frequent and no specified hours</p> <p>Increase from once a year to several times a year and no specified times</p> <p>Now includes visits from other professionals</p>
<p>Family visits Due to the sensitivity and safeguarding of the children we support, without any agreement from local authorities, families do not attend the home in principle. Family contacts are arranged for in the community- central to where the parent/sibling/friend lives and where the child lives.</p>	<p>Family visits Where it is assessed to be appropriate and in the best interests of the children, arrangements will also be made to facilitate family visits.</p>	<p>Now includes family visits when appropriate</p>

## **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 located within a residential area in the Local Plan and with North Anson Conservation Area, for the purposes of determining this application the following policies are considered to be of relevance:

Local Plan policy(s):

CS23 'Valuing the historic Environment'  
CS27 'Community Health and Safety'  
CS28 'Sustainable Design'  
SP11 'Development in Residential Areas'  
SP41 Conservation Areas  
SP52 'Pollution Control'  
SP55 'Design Principles'

## **Other Material Considerations**

National Planning Policy Framework: The revised NPPF 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.

Rotherham Adopted SPDs:

SPD12 Transport Assessments Travel Plans and Parking Standards

## **Publicity**

The application has been advertised by way of a press and site notice along with individual neighbour notification letters to adjacent properties and those who submitted representations to the original application. Seven letters of representation have been received from local residents. The concerns raised can be summarised as follows:

- The new application is stating that the staff requirements to care for the 1 child is to be 7 FTE equivalent carers with a minimum of 2 at any one time, and extra staff in if required.
- The sleeping arrangements for the 2 carers is not adequate as there is only 1 carer bedroom with 1 bed.

- The Manager is now only listed to visit site as “flexible and tailored to suit the home’s needs” this could possibly be every day.
- Space not adequate for 4 vehicles as shown, no turning space
- No space for all refuse bins required
- If there are 3 carers on site no space for manager or other visiting professionals who will need to park in the highway
- Crowgate is a busy highway vehicles parked on kerb is an accident waiting to happen.
- Whole garden area removed from application leaving a small courtyard facility no suitable for the well being of the child.
- Vehicles accessing or leaving the property have restricted access to the highway which will cause a danger to road safety
- The applicant appears to put the amenity of immediate neighbours below making money.
- Object to hedge removal as it’s a home for local wildlife
- Object to additional vehicles up to 8 coming and going on a road already overloaded with traffic.
- Concerning that over 30 objections to the previous application appeared to have been overlooked, despite the clear strength of local feeling
- A serious issue is that this application was only notified by email whereas the previous one was communicated by post and email, Crowgate has a high proportion of elderly residents many of whom don’t use email regularly.
- The new application proposes 7 FTE staff, with at least two carers present at all times, and additional staff when required. This is a major expansion far beyond what was originally approved.
- Concerns regarding accuracy of previous submissions which may have influenced neighbour understanding and the planning authority’s previous decision.

In response to the objections received, the following comments have been submitted by the applicant from the proposed care home manager:

- As part of the development, the young person residing at Stone Lodge will have direct and independent access to a private, fully enclosed courtyard attached to the accommodation. This space has been intentionally designed to ensure that the child can safely access the outdoors at any time, without reliance on staff to enter shared areas. The courtyard will be secure, appropriately furnished with garden furniture, and personalised to reflect the young person’s preferences and needs. This approach supports both safeguarding and emotional regulation, allowing staff to safely support the child outdoors during times of distress within a controlled environment.
- In addition to the courtyard, there is a larger, secure garden area located within the grounds at the upper section of the main dwelling. This space will be designated solely for the use of the young person at Stone Lodge. Access to this area will be supported and supervised by staff, ensuring safe use for activities such as football, basketball, or quiet relaxation.

- The combination of an independently accessible courtyard and a larger supervised garden space ensures that the young person has consistent access to suitable outdoor environments, while maintaining robust safeguarding arrangements.
- Firstly, I can confirm that there is sufficient parking provision on site to accommodate up to four vehicles. Our model of care is based on a solo placement, with one young person supported by two members of staff. This ensures a low-impact staffing presence as standard. However, we do require operational flexibility to increase staffing levels, if and when necessary, particularly during transition periods when a young person may feel anxious or require additional support. Even in these circumstances, the available on-site parking remains adequate.
- Night time staffing will consist of one carer sleeping with the second completing a waking night shift. This hopefully assures members of the community that a third bedroom is not needed.
- In relation to the surrounding highway, the road is of sufficient width and capacity, as evidenced and clearly identified by neighbours by its ability to accommodate bus routes and larger vehicles such as HGVs without restriction. Additionally, the presence of a bus stop within walking distance is considered a positive aspect, supporting the young person's development of independence and access to community resources over time.

At the time of writing this report there have been 3 requests to speak at the Planning Board (the applicant, one supporter and one objector)

### **Consultations**

RMBC – Transportation Infrastructure Service: Note that 4 car parking spaces are to be made available which they consider is sufficient to accommodate the general movements associated with this facility.

RMBC – Environmental Health: Do not foresee any issues with regard to this application.

### **Appraisal**

The principle of the change of use has already been established by the granting of the previous application ref RB2025/0493. This application can only consider the proposed changes to two of the previously imposed conditions.

The main considerations in the determination of the are:

- Impact on residential amenity
- Highway/Parking considerations
- Other matters raised by objectors

### Impact on general amenity

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

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. 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.
- 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."

The NPPF at paragraph 135 (f) states planning decisions should ensure that development "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."

There is no current national guidance in relation to children's homes, therefore, the planning considerations need to be considered are mainly the impact of the proposed changes to the conditions on residential amenity and highways issues.

The permission previously granted was for the use of the dwelling as a children's home for one child with two carers and a visiting manager providing 24-hour care. The maximum number of children to be cared for remains unaltered.

This application seeks permission to amend condition 06 attached to RB2025/0493 which required the applicant to abide by a previously submitted rota. This proposal seeks permission to amend the rota which would primarily allow for an additional staff member (above the 2 already approved) to be made available as and when required. Additionally, while core sleep-in arrangements and handover times remain unchanged, the Registered Manager's on-site hours are now defined as flexible and tailored to meet the needs of the home. The proposal also updates expectations for professional visiting arrangements and possible family visits as appropriate to the needs of the child. It is important to note that no changes are proposed to the number of children being cared for, this remains as a single child.

Regulation 44 inspections may be announced or unannounced; social worker visits may occur more frequently than the current six-weekly cycle if needed; OFSTED inspections would take place several times a year rather than once per year; and additional professionals (such as IROs, advocates, and specialist staff) may visit the children as required.

Collectively, these changes do not increase staff on a day to day basis but do include the provision for an additional member on an ad-hoc basis, which the applicant claims will provide greater operational flexibility, and are required primarily to safeguard the child that will be homed there.

The Council's Environmental Health department have been consulted with regard to the proposed changes in staff and visitor levels to assess the impact of these comings and goings on residential amenity and have not raised any objections.

It is acknowledged if an additional staff member is required this will result in a modest rise in movements to and from the property during daytime hours. However, it is considered that the associated noise and vehicle activity would remain at a level that does not give rise to any significant adverse impact on the residential amenity of neighbouring properties.

Accordingly, the level of additional noise and disturbance that may be expected as a result of additional staff members is not considered to be of a scale that would conflict with policies SP11 'Development in residential Areas' or SP52 'Pollution Control'. and as such would not justify refusing the planning application on these grounds.

Whilst the concerns raised by residents in terms of increased vehicular traffic and changes to the originally approved scheme have been noted it is considered that the proposed increases in visitors to the property primarily during daytime hours would be considered to have a character akin to that of a residential dwelling and as such is considered acceptable in a residential area.

### Highways issues

Paragraph 116 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."

The proposed changes to the approved plans include the creation of a fourth parking bay for the care home use only, the residential property has its own parking area.

Concerns have been raised that the proposed changes to the rota system previously approved would increase the number of staff and visitors, thereby increasing the comings and goings and vehicular movements to and from the site which they consider would be detrimental to highway safety.

Objectors state that Crowgate is a busy highway and that the proposed parking does not include a turning space and that there is a danger that increased parking in the adjacent highway will occur if visitors cars cannot be accommodated within the site which they consider will lead to increased accidents in this locality.

The Transportation Officer has assessed the proposals in highway terms, the previous application required the site access to be increased in width so as to assist in the manoeuvring of cars and they consider that the provision of 4 on site parking spaces is sufficient to accommodate the general movements associated with this facility.

Taking all of the above into account the Transportation officer raises no objections to the proposed variation.

#### Other matters raised by local objectors

Several other matters have been raised by local residents and are addressed below:

- *Sufficient publicity has not taken place*

Concerns have been raised that the majority of people have been consulted by email and not by letter, the usual procedure that the Planning Service follows is to use email where this is available. Everyone that submitted comments on the original application by email were notified by email of this application. Any immediate neighbours that did not comment on the original application or provide an email address were sent letters by post. In addition to this a site notice was displayed near to the property and a press notice was placed in the Rotherham Advertiser.

- *Not a suitable location for this use*

The change of use has already been approved under the previous application and this application can only consider the proposed changes to the conditions imposed by that permission.

- *Inadequate sleeping arrangements for two carers and a child – only 2 bedrooms*

The applicant has confirmed that Night time staffing will consist of one carer sleeping with the second completing a waking night shift, therefore a third bedroom is not needed.

- *The changes are for profit only*

This is not a material planning consideration.

- *Hedge removal*

The hedge removal to the front of the property is to facilitate the widening of the vehicular entrance and to increase visibility on leaving the site to improve highway safety.

- *Accuracy of original application*

The accuracy of the details submitted with the original application are not considered to be in doubt, the legislation allows for amendments to be sought following the issue of a decision notice if the applicant considers that they are required. This application has been submitted to consider the acceptability of those proposed amendments.

- *Intruduction of New Amenity Space/Garden Area*

Concern has been raised by local residents regarding the size of the enclosed amenity area proposed for the child's use, with the wider garden to be accessed subject to supervision and safeguarding. Policy SP11 '*Development in Residential Areas*' and Policy SP55 '*Design Principles*' seek to ensure that development provides an appropriate standard of amenity for future occupiers, including access to usable outdoor space. In this case, the proposal includes a secure, fully enclosed courtyard directly accessible from the accommodation, designed to allow the child safe and independent access to the outdoors at any time. While the space is modest in scale, it is considered functional, private and appropriately designed to meet the specific needs of a solo placement children's home, where safeguarding considerations necessarily influence layout and use. In addition, the availability of a larger garden area within the site, to be accessed under supervision when required, ensures that opportunities for outdoor activity and recreation are not unduly restricted. When assessed in this context, and having regard to Policy CS27 '*Community Health and Safety*' and the NPPF objective of promoting health and well-being, the provision of the enclosed amenity area is considered acceptable and not to result in an inadequate standard of living conditions for the intended occupant.

## **Conclusion**

The changes to the rota to increase the staffing levels on site as and when required and improve the flexibility for professional visitors is not considered to result in an unacceptable level of noise and disturbance and that generated is considered to be similar to a traditional family dwelling.

Whilst there may sometimes be an increase in comings and goings, especially at shift change over times, this would be within daytime hours and it is not considered that it would create such a significant impact on the amenity of neighbouring residents that would justify refusing the proposed changes on these grounds.

The level of parking and vehicular movements has been assessed by the Transportation officer as being acceptable in this location.

The proposed variation to the previously imposed conditions is considered to be acceptable and is recommended for approval with the revised conditions being set out below.

### **Conditions**

01

The development hereby permitted shall be commenced before the expiration of three years from 25 September 2025.

Reason

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

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

Drawing nos:

3373-CDA-00-ZZ-DR-A-0001 Rev B Received 9 September 2025

3373-CDA-00-ZZ-DR-A-0403 Rev B Received 21 August 2025

ITY210112-GA- 009 Received 20 August 2025

25335-25-01 Received 20 August 2025

3373-CDA-00-ZZ-DR-A-0401 Rev A Received 13 February 2026

3373-CDA-00-ZZ-DR-A-0404 Rev B Received 13 February 2026

2025 3373-CDA-00-ZZ-DR-A-0402 Rev D Received 1 April 2026

3373-CDA-00-ZZ-DR-A-0400 Rev E Received 1 April 2026

Reason

To define the permission and for the avoidance of doubt.

03

The premises shall be used as a residential care home for 1 child only and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or any Order revoking and re enacting that Order with or without modification)).

Reason

The premises are not considered suitable for general use within the Class quoted for amenity and highway reasons.

04

Before the development is brought into use the sight lines indicated on plan ITY210112\_GA-009 shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

Reason

In the interest of highway safety

05

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity.

06

The use hereby permitted shall be restricted to no more than one child and in accordance with the rota details as set out in the submitted Appendix B (Revised) Rota Summary received 13 February 2026.

Reason

In the interests of the amenities of the occupiers of nearby dwellings

Informative

01

The property would benefit greatly from being refurbished to Secured by Design standards, to create a better standard of security.

Surveillance: Any landscaping and front boundaries should be kept low at no more than 1 metre high to enable greater informal surveillance into and out from the property.

Lighting: All external paths and car parking areas should be well lit with an LED lighting scheme to standard BS5489 with no dark areas. All front and rear doors should be lit with a wall mounted luminaire to provide lighting in line with standard BS5489 which should operate on a dusk to dawn sensor and spread the light downward.

Security of Dwellings: In line with SBD standards, all front / rear doors and ground floor windows should comply with PAS 24:2022.

#### POSITIVE AND PROACTIVE STATEMENT

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