

**REPORT TO THE PLANNING REGULATORY BOARD TO BE HELD ON THE
19th FEBRUARY, 2015**

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.

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

Application Number	RB2014/1511
Proposal and Location	Erection of 21 No. dwellinghouses with associated works at land at The Crescent, Thurcroft, Rotherham S66 9LR
Recommendation	Refuse



Site Description & Location

The site of application is a tear dropped piece of land located within the centre of a large cul de sac known as The Crescent. The site is laid to grass with some trees and informal footpaths cross the site. The site is generally sloping and extends to 0.85 hectares in area. The site widens to the south east and narrows at the entrance of The Crescent to the north west. The Crescent is laid out in such a way that all the dwelling houses, which are all semi-detached, front the road and this piece of land. The site and the surrounding properties were constructed as part of a model mining village by the owners of the local mine sometime in the Edwardian era. The dwellings were all constructed with this piece of land present as a feature of the estate by 1916.

Background

No planning history.

Proposal

The proposal is for the construction of 21 No. dwellings to be constructed on the centre and south eastern corner of the site, with an area to the north west being retained as public open space, formally laid out and planted and with footpaths running through it.

The dwellings would be constructed of a mixture of brick and render with tiled roofs, to match the design of other dwellings on The Crescent. Each dwelling would have off road parking for a minimum of 2 cars.

The dwellings would consist of 3 blocks of 3 dwellings, 2 blocks of 4 dwellings and 2 blocks of semi detached dwellings.

The application has been amended to reduce the scheme by 1 dwelling in the south eastern corner of the site from 2 no. pairs of semi detached properties to one row of 3 no. dwellings. In addition, the amended plans show that the carriageway of The Crescent will be widened to 5.5 metres and there would be provision of a 2 metre wide adoptable footway to the frontages of the dwellings.

The applicants have submitted a Design and Access Statement which concludes that: "given the Council's lack of a 5 year supply of land for housing, development plan policies that are considered out of date for the purposes of the NPPF, and an emerging DPD which is at an early stage, it is considered that there is a strong presumption in favour of sustainable residential development as the proposal would help address the under supply of housing and there are no other material considerations to dictate otherwise."

An Ecological Assessment has been submitted with the application which concludes that site is considered to be of low ecological value.

A Ground Contamination Report has been submitted with the application which concludes that it is highly unlikely that there would be any ground contamination at the site.

A Building for Life Assessment has been submitted which concludes that the site is sustainable and suitable for residential development.

A Tree Report has been submitted with the application which has identified a number of trees on the site which are identified to be removed as part of this application. The report recommends methods of removal and protection measures for 2 trees that are proposed to be retained on the site. The Report also recommends mitigation measures in the terms of replacement tree planting at the developed site.

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 'saved' policies from the Unitary Development Plan (UDP).

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

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS7 'Housing Mix and Affordability'
CS20 'Biodiversity and Geodiversity'
CS22 'Green Space'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV5.1 'Allocated Urban Greenspace'
HG4.3 'Windfall Sites'
HG5 'The Residential Environment'
ENV3.2 'Maintaining the Character and Quality of the Environment'

Other Material Considerations

Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: 'Residential infill plots.'

Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 4: 'Requirements for green space in new housing areas.'

The Council's minimum Parking Standards (adopted June 2011).

The Council's Interim Planning Statement on Affordable Housing (2008).

The South Yorkshire Residential Design Guide (SYRDG).

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed.

It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision."

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of press notice as a departure to the Development Plan, along with the posting of site notices in the locality of the site on The Crescent. In addition individual notification letters have been sent to occupiers of adjacent properties on The Crescent. The Council has in total received 49 objections to the application along with a petition against the proposal from local residents with 847 names on it. These include objections from Thurcroft Parish Council and Laughton-en-le-Morthen Parish Council. The comments shall be summarised below:

Thurcroft Parish Council

- Object to the loss of the Urban Greenspace.
- The significance and the value of this place will be lost by this development
- RMBC has maintained the land for many years which is an acknowledgment of its local significance.

Laughton-en-le-Morthen Parish Council

- Are concerned that the new dwellings could cause drainage problems by overwhelming local foul waste sewers which could increase problems for Brookhouse.

Local residents

- Loss of Urban Greenspace.
- Loss of a highly valued community facility which allows for informal recreation for the local community for exercise and community events.
- Provides a safe play space for local children as the site is overlooked by houses from The Crescent. By taking away this facility local children would not have a safe space to play close to where they live.
- Provides a haven for wildlife / object to the loss of ecology and trees on the site.
- Provides a convenient and well used thoroughfare for local residents to get from one side of The Crescent to the other.
- Seems unfair and unjust to take this facility away from the community when it was laid out as a green space for the residents when the estate was originally built.
- The plans are contrary to national and local policies and guidance and the Thurcroft Big Local Plan which encourages more exercise for residents.
- The proposals are detrimental to highway safety in terms of additional traffic and car parking on the road. Though it is noted that the road on The Crescent would be widened as part of the application the entrance to the road would not be. This would be detrimental to highway safety.
- There is no need for more housing in Thurcroft and the village has already over shot its target for new housing in the Core Strategy.
- The proposed remaining Green Space does not adequately compensate for what would be lost.
- The Urban Greenspace provides privacy for local residents with new dwellings overlooking neighbouring houses.

- Noise, pollution and disturbance during the construction phase for local residents.
- The local facilities and infrastructure of Thurcroft is already overstretched and these new dwellings would only make the situation worse for the village.
- The development could cause anti-social behaviour in the area.
- Increased noise and light pollution from the new dwellings.
- There is no demand for this level of new housing in the village.
- The local sewers and drains could not take this additional development. This development would create drainage problems in the area and could increase flooding.
- Loss of view.
- Devaluation of local properties.

In addition, 21 right to speak requests from objectors and 1 right to speak request from the applicant have been received.

Consultations

Streetpride (Transportation & Highways): Raise no objections to the amended layout to include a widened carriageway of 5.5 metres and a 2 metre footway to the frontages of the dwellings. They note that all the dwellings comply with the Council's minimum residential car parking standards and recommend that these highways improvements should be implemented under condition attached to any planning permission granted in this respect.

The Transportation Unit go on to recommend suitable conditions relating to the provision of suitable hard surfacing for vehicle parking and sustainable transport measures being undertaken for the occupants of the new dwellings.

Strategic Housing & Investment Services (Affordable Housing): Raises no objections to the scheme and notes that it meets the affordable housing policy requirement of 25% of the units on site being allocated to Affordable Housing (being 6 units). The identified units are on plots 1-3 and 20-22. All comply with Lifetime homes space standards.

Streetpride (Leisure and Green Spaces Manager): Objects to the application and notes that the site was recorded as a High Value/Low Quality Local Green Space in the Green Space Audit. Given the fact that it is High Value, he does not think that any change of use could be supported. He notes that the site is in private ownership and is maintained for the owner by the Council.

Streetpride (Landscape): Notes that the submitted landscape plans are high quality but have requested some additional information about the extent of the landscaping.

Streetpride (Drainage): The Council's Drainage Engineers has noted that both proposed foul and surface water drainage will discharge to the main sewers, which is acceptable. In terms of on-site attenuation of ground water, the submitted details do not make it clear how this will be resolved. The Drainage Engineer has noted that it is assumed that the surface water will eventually drain to Brookhouse Dike which has a history of flooding. However, it is considered that this could be satisfactorily controlled by way of a condition to any planning permission granted in this respect, which should avoid any drainage problems on the site.

Neighbourhoods (Environmental Health, Contaminated Land Officer): Considers that there will be a low risk of significant ground contamination due to the lack of former industrial historical uses associated with the site. The overall risk to human health is considered as low. Conditions are recommended to any planning permission granted in this respect, which would require that prior to occupation of the dwellings the top and sub soils are tested for potential ground contamination.

Streetpride (Ecologist): Comments that the application information includes a biodiversity survey and impact assessment report (TEP, October 2014). The survey extent and methodologies used are appropriate and the results of the survey work are accepted. The site has low ecological interest and has no features that could support protected species. There is no ecological objection to the proposed development. The Council's Ecologist has requested a condition requiring a suitable level of ecological enhancement from the site in line with national planning policy.

Education: Have confirmed that no education contribution is required for this development.

Appraisal

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

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

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

The site is allocated for Urban Greenspace purposes on the adopted UDP and the following issues are considered to be relevant:

- Principle of the development
- The layout and design of the development
- Impact on neighbouring amenity
- Impact upon highway safety
- Landscaping
- Ecology / biodiversity issues
- Drainage and flooding issues
- Contamination
- Affordable housing
- Other matters raised by objectors

Principle of development:

Paragraph 14 to the NPPF notes that: "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 47 of the National Planning Policy Framework notes that: “To boost significantly the supply of housing, local planning authorities should (amongst other things): identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;”

Paragraph 49 of the NPPF adds that: “...housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

Currently it is estimated that the Council is slightly under the 5 year (plus 20%) supply target of 5,836, and that the figure is actually 5,510, a small shortfall of 237 units. The NPPF states that in these circumstances paragraph 14 should be the starting point for the consideration of planning applications.

In this instance the site is allocated for Urban Greenspace purposes in the UDP and is a green field site as it has never been developed.

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

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development
- b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required
- c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development
- d. Considering the potential of currently inaccessible green space to meet an identified need.

- e. Putting in place provision for long term management of green space provided by development
- f. Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.
- g. Links between green spaces will be preserved, improved and extended by:
 - i. Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature
 - ii. Creating or extending green links where feasible as part of green space provision in new developments.”

In addition, ‘saved’ UDP Policy ENV5.1 ‘Allocated Urban Greenspace’ states that: “Development that results in the loss of Urban Greenspace as identified on the Proposals Map will only be permitted if:

- (i) alternative provision of equivalent community benefit and accessibility is made, or
- (ii) it would enhance the local Urban Greenspace provision, and
- (iii) it would conform with the requirements of Policy CR2.2, and
- (iv) it does not conflict with other policies and proposals contained in the Plan in particular those relating to heritage interest.”

These Policies comply with Paragraph 73 of the NPPF which states that “Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.”

It is noted that the site has been assessed in the Council’s Green Space Audit as being of High Value/ Low Quality Local Green Space.

Policy CS23 and ENV5.1 also comply with Paragraph 74 of the NPPF which states that “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

It is noted that the application is to build on the greater part of the site (approximately 75% of the overall site) and to leave a much reduced area as Urban Greenspace which would be improved and landscaped and would be used for community use. The applicant has submitted an indicative plan showing landscape improvements though has not specified exactly how this space would be subsequently managed and maintained, though these matters could be addressed by way of a suitable condition.

Policy CS22 Green Space provides protection to informal green space. Whilst this policy is seeking to enhance and improve green space through the granting of any future planning applications the opening sentence of the policy is clear in its protection of greenspace. "The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community..."

In this instance there are no clear greenspace / recreational benefits referred to in the planning application other than to enhance a small area of the site aesthetically with improved landscaping. Consideration has to be given to whether or not this small area of enhanced Urban Greenspace justifies the loss of the remainder of the allocated, and locally valued, Urban Greenspace area. It is considered that the key test to the principle of this application is contained within Paragraph 74 of the NPPF, which re-iterate the Policy contained within UDP Policy ENV5.1 'Allocated Urban Greenspace'. Each of these points will be considered in turn.

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.

The applicant has stated that the site is "purely a flat open plain of grass with no ecological merit or diversity." It is noted that the applicant has not made an assessment that the space is surplus to requirements and making such an assessment it is apparent that there has been considerable local opposition from residents of The Crescent and the wider community to the loss of this area of Urban Greenspace. Therefore it is clearly apparent that the space is highly valued and used by the local community. It is also noted that the Council's Green Space Audit recognised the local significance of this space as being of high value. It is therefore considered that the site is clearly not surplus to the requirements of the local community.

- or, the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

The applicants have stated in the submitted Design and Access Statement that the proposal would "enhance the quality of the (remaining) open space." It is noted that this space could be enhanced and secured for community purposes as part of conditions and potential S106 agreements with the developers. However, the test is whether or not this reduced and improved space would be of "equivalent or better provision in terms of quantity and quality in a suitable location." The significantly reduced area of Urban Greenspace proposed is clearly not equivalent in terms of size and whilst its quality could be improved it would significantly reduce the availability of the Urban Greenspace and the opportunities that it affords for informal recreation purposes.

Indeed it is considered that whilst the open space could be improved aesthetically, its size and proximity to the proposed dwellings significantly reduces the opportunities for

exercise and the playing of games, which would only cause nuisance for future residents. It is also considered that the existing Urban Greenspace, owing to its location away from neighbouring properties fronting The Crescent and to its size, provides opportunities for outdoor recreational activities that would not cause nuisance for local residents.

It is noted that paragraph 73 of the NPPF states that: "Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities." In this instance the loss of the greater part of this area of Urban Greenspace significantly reduces the access and opportunity for local residents to exercise and for informal recreational opportunities. As such, the proposal is contrary to paragraph 73 of the NPPF.

The Council's Green Spaces Manager has objected to the application on the basis that the site was recorded as a High Value/Low Quality Local Green Space in the Green Space Audit. Given the fact that it is High Value, the loss of this space should not be supported. It is considered that the proposals to enhance a much reduced area of the site does not compensate for the loss of wider Urban Greenspace in terms of better or equivalent provision.

- or, the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The proposal is not for alternative sports or recreational provision and therefore does not pass this test.

In conclusion, it is considered that the proposal fails to pass the tests set out in paragraph 74 of the NPPF. It is also considered to be contrary to Core Strategy Policy CS22 'Green Space' and to UDP Policy ENV5.1 'Allocated Urban Greenspace.'

Whilst it is noted that the Council does not have a 5 year (plus 20%) supply of housing in the Borough, it is considered that the loss of this valuable area of Urban Greenspace to the local community is a material consideration (as required under paragraph 14 of the NPPF) which would outweigh the community benefits of the proposed housing.

The layout and design of the development:

In respect to layout considerations, UDP Policy HG5 'The Residential Environment,' encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed in paragraph 55 of the NPPF which states that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

This is further underpinned by Core Strategy Policy CS28 'Sustainable Design' which states that "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping."

Paragraph 56 of the NPPF notes that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

In assessing the above layout considerations, as a standalone site, the scheme has been designed primarily to reflect the design of the dwellings on The Crescent. It is considered that even though the proposals propose a number of blocks of terraced houses these would not appear out of character with the locality, which is characterised by semi-detached dwellings, as this appears as something of a stand-alone site.

In regard to compliance with the Council’s Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: ‘Residential infill plots,’ this notes that: “normal inter-house spacing should be observed (that is, 20 metres minimum between principal elevations or 12 metres minimum between a principal elevation and an elevation with no habitable room windows), and that any elevation situated less than 10 metres from a boundary with another residential curtilage (including the “host” property) should contain no habitable room windows at first floor level, nor should it contain a window or door to any habitable room or kitchen at ground floor level unless there is adequate screening to prevent loss of privacy.”

The South Yorkshire Residential Design Guide (SYRDG) is underpinned by the principles as set out under Building for Life 12 and further sets out guidance in relation to layout considerations in respect of unit size, minimum room dimensions and outdoor amenity sizes. In respect of the latter, the SYRDG notes that: “Back gardens of houses should be appropriate to the size of the property, its orientation and likely number of inhabitants. Private gardens of two bedroom houses/bungalows should be at least 50 square metres; for three or more bedroom houses/bungalows, 60 square metres. Smaller gardens may be acceptable in corner zones of blocks if privacy and daylighting can be maintained.”

For the purposes of avoiding an ‘overbearing’ relationship between buildings, (and respecting privacy) the SYRDG further advocates that a minimum back-to-back dimension (between facing habitable rooms) of 21 metres should be achieved. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth.

In assessing the revised scheme, (reduced from 22 to 21 dwellings) it is acknowledged that it fully complies with the aforementioned guidance and would provide private rear gardens in excess of the SYRDG requirements. It is noted that the application has been amended to reduce the scheme by 1 dwelling house to the south eastern corner of the site from 2 no. pairs of semi detached properties to one row of 3 no. dwellings. The reason that these amendments were asked for was to avoid overlooking for residents of the new dwellings.

With respect to design matters, the recently issued National Planning Practice Guidance (NPPG) notes that: “Good design should:

- ensure that development can deliver a wide range of planning objectives.
- enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being.
- address the need for different uses sympathetically.”

In addition, paragraph 64 to the NPPF further adds that: “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character of an area and the way it functions.”

On this matter, the scale of the dwellings is considered commensurate to the majority of the surrounding dwellings and though the density of the site would be higher than the surrounding properties it is considered that the scheme would not appear out of character with the grain of the surrounding area. Furthermore, the scheme allows for garden space to be landscaped to the frontage of all the dwellings.

Taking account of all the above matters it is considered that the layout of the dwellings is appropriate and subject to the imposition of the recommended conditions in respect of materials that the scheme accords with the provisions of Core Strategy Policy CS28 ‘Sustainable Design’ and UDP Policy HG5 ‘The Residential Environment,’ along with the Council’s Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: ‘Residential infill plots,’ the South Yorkshire Residential Design Guide and advice contained within the NPPF and the NPPG.

Impact on neighbouring amenity:

The NPPF notes at paragraph 17 that: “Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning (amongst others) should:

- always seek... a good standard of amenity.”

As noted above, the inter-house spacing standards contained within the Council’s Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: ‘Residential infill plots,’ which indicates that there should be a minimum of 20 metres between habitable room windows, 12 metres minimum between a habitable room window and an elevation with no windows, and no elevation containing habitable room windows at first floor should be located within 10 metres of a boundary with another property.

The SYRDG further advocates that for the purposes of privacy and avoiding an ‘overbearing’ relationship between buildings, that: “...the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth.” The SYRDG further notes that for the purposes of daylighting back-to-back distances should, as appropriate to specific circumstances, be limited by the ‘25 degree rule,’ (i.e. all built development facing a back window should be below the 25 degree line).

With the above standards in mind, it is noted that the new dwellings all adhere to these standards in terms of separation distances to existing properties. As such, it is considered that the dwellings would not harm the amenity of existing neighbouring in terms of overlooking or harm to outlook.

As such, it is considered that the proposed dwellings would conform with the Council’s Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: ‘Residential infill plots,’ and the advice as set out in the SYRDG.

Impact upon highway safety:

UDP Policy T6 'Location and Layout of Development,' requires that new developments have regard to the desire to reduce travel demand. In addition, the Council's minimum Parking Standards (adopted June 2011), recommends for residential developments that 1 or 2 bedroom properties should be provided with 1 parking space per dwelling and 3 or 4 bedroom properties provided with 2 No. parking spaces per dwelling.

The revised scheme has been assessed in highway safety terms both in respect to the site as a whole and upon the wider highway network and it is considered that the development is acceptable in highway safety terms, subject to recommended conditions.

In site layout terms, the amended layout accords with both the guidance from the South Yorkshire Residential Design Guide and Manual for Streets, whilst the proposed level of off street car parking facilities further accords with the Council's Minimum Residential Car Parking Standards such that adequate levels of parking are achieved. Further conditions are recommended in respect of details of road sections and constructional and drainage details for those areas to be used by vehicles. Additionally, the Transportation Unit support the suggested use of Travel Master Passes which can be secured via the S106 Obligation attached to any permission granted.

In terms of additional traffic using the access from The Crescent onto the wider road network it is noted that the Council's Transportation Unit have raised no concerns about this from a highway safety perspective.

Overall with the above in mind, it is considered that the proposal would not be detrimental in highway or pedestrian safety or add to congestion upon the surrounding junctions / wider highway network and as such the scheme subject to the suggested conditions accords with UDP Policy T6 'Location and Layout of Development.'

Landscaping:

UDP Policies HG5 'The Residential Environment,' along with guidance in the South Yorkshire Residential Design Guide (SYRDG) and the NPPF require developments to focus on providing good quality design (including landscaping) to which in respect of this scheme is considered to have been fully taken account in regards to the layout considerations raised above.

In addition the Councils Adopted SPG - Housing Guidance 4: 'Requirements for Green space in new housing areas,' notes that: "The Council, as part of its normal development control process will, for those sites with fewer than 50 family houses, encourage the provision of Green space appropriate to the character of the site and its surroundings."

The Council's Landscape Design Department noted that the submitted landscape plans are high quality but have requested some additional information about the extent of the landscaping. It is considered that if the planning permission is granted in respect of the development then a condition could be attached which requires further information with regards to the more detailed landscaping of the site.

Taking account of the above it is considered that the suggested landscaping for the site is acceptable in principle and accords with UDP Policies HG5 'The Residential Environment,' and Core Strategy Policy CS28 'Sustainable Design' and the Council's Adopted SPG - Housing Guidance 4: 'Requirements for green space in new housing areas,' along with guidance in the South Yorkshire Residential Design Guide (SYRDG) and the NPPF, and that this can be achieved by the imposition of the suggested condition.

Ecology / biodiversity issues:

UDP Policy ENV3.2 'Maintaining the Character and Quality of the Environment,' states: "In considering any development or other proposals which would unavoidably damage an existing environmental interest, prior to determining a planning application, the Council will require the application to be supported by adequate survey, evaluation, recording, and where appropriate, details of renovation or repair of historic fabric and rescue or relocation of features or species of environmental interest should be reduced to a minimum and, where possible, the interest which is retained should be enhanced. In addition there must be adequate compensation for any significant losses through landscaping, habitat creation or other environmental enhancement."

Paragraph 118 of the NPPF states "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- Opportunities to incorporate biodiversity in and around developments should be encouraged."

The application has been accompanied with an Ecological Assessment, which has been assessed by the Council's Streetpride (Ecology) Officer who considers that the survey extent and methodologies used are appropriate and the results of the survey work are accepted. The site has low ecological interest and has no features that could support protected species. There is no ecological objection to the proposed development.

The Council's Ecologist has requested a condition requiring a suitable level of ecological enhancement from the site in line with national planning policy, if planning approval is forthcoming. Such matters can be secured through the imposition of an appropriate condition, and subject to this, it is considered that the proposal would be in accordance with UDP Policy ENV3.2 'Maintaining the Character and Quality of the Environment,' along with the advice in the NPPF.

Drainage/ flooding issues:

UDP Policy ENV3.2 'Minimising the Impact of Development,' notes that: "In considering the scale, appearance, nature and location of development and infrastructure proposals, the Council will seek to minimise adverse impact on the environment, including water resources..."

The NPPF further advises at paragraph 103 that: "When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”

The Council’s Drainage Engineers have noted that both proposed foul and surface water drainage will discharge to the main sewers, which is acceptable. In terms of on-site attenuation of ground water, the submitted details do not make it clear how this will be resolved. The Drainage Engineer has noted that it is assumed that the surface water will eventually drain to Brookhouse Dike which has a history of flooding. However, it is considered that this could be satisfactorily controlled by way of a condition to any planning permission granted in this respect, which should avoid any drainage problems on the site.

As such compliance with UDP Policy ENV3.2 ‘Minimising the Impact of Development,’ along with the guidance contained within the NPPF is achieved.

Contaminated land issues:

UDP Policy ENV4.4 ‘Contaminated Land,’ notes that: “Where land that may be contaminated as a result of previous uses, is proposed for development the Council will need to be satisfied that the applicant has:

- (i) undertaken investigations to establish the nature and extent of the contamination and its potential effects on the proposed development and/or the occupants thereof, and
- (ii) provided details of the measures proposed for the removal and/or treatment of the contamination which will not cause or increase pollution in the environment, particularly to watercourses and ground-water resources. Where permission is granted, such measures will be imposed as planning conditions to be implemented prior to commencement of development or within a timescale agreed with the Council.”

The NPPF further notes at paragraph 120 that: “Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

The NPPF further advises at paragraph 121 that; “Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as ...pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
- adequate site investigation information, prepared by a competent person, is presented.”

The comments received from the Council’s Contaminated Land (Development Officer) is that there is a low risk of significant ground contamination due to the lack of former

industrial historical uses associated with the site. The overall risk to human health is considered as low. Conditions are recommended to any planning permission granted in this respect, which would require that prior to occupation of the dwellings the top and sub soils are tested for potential ground contamination. The results of investigations and chemical testing may reveal that remediation works are required at the site. Such a request can be controlled via the imposition of appropriate conditions.

Affordable housing:

In regard to affordable housing provision, Core Strategy Policy CS7 'Housing Mix and Affordability' states:

- a. Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community.
- b. The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:
 - i. Sites of 15 dwellings or more or developments with a gross site area of 0.5 hectares or more; 25% affordable homes on site."

This reflects the advice in the Council's Interim Planning Statement (IPS) on Affordable Housing (2008).

Paragraph 50 of the NPPF states that: "To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time."

The Council's Affordable Housing officer considers this scheme meets the affordable housing policy requirement of 25% of the units on site being allocated to Affordable Housing. The identified units all comply with Lifetime homes space standards.

Accordingly, it is considered that the proposals accords with CS7 'Housing Mix and Affordability' and the Council's Interim Planning Statement (IPS) on Affordable Housing and the advice within the NPPF.

Other issues raised by objectors

Other issues were raised by objectors which include the loss of the site as it provides a convenient and well used thoroughfare for local residents to get from one side of The Crescent to the other. This is noted but the land is private land and has no designated public rights of way across it, and the development would not result in significant additional walking distance to pass from one side of The Crescent to the other. As such, it is considered that whilst this would be somewhat detrimental to the local community a reason for refusal cannot be justified on this basis.

It is noted that objections were received raising concerns about the strain on existing infrastructure within Thurcroft. Whilst this is noted it is considered that the relatively low level increase in dwellings of 21 dwellings would not put an undue strain on the facilities of the village.

Concerns were raised about the possibility of increased anti-social behaviour from the loss of this Urban Greenspace. It is noted that the layout of the dwellings provide good surveillance of the surrounding area and that the development should not lead to any increase in crime or anti social behaviour to the surrounding area.

It is noted that local residents also raised concerns about noise and disturbance during the construction phase. This is noted and it is considered that if planning permission was granted in respect of the development then an informative could be appended regarding working practices during construction.

Other issues raised by objectors were not material planning considerations and included the loss of view and devaluation of property values.

Conclusion

In conclusion, it is considered that the loss of the Urban Greenspace has not been justified by the applicant and that the loss of the valued space would be materially harmful to the local community. Furthermore, it is considered that the contribution to a 5 year supply of housing for the Borough and the provision of on-site affordable housing does not outweigh the harm to the loss of the Urban Greenspace.

It is considered that the scheme as now revised and amended provides an acceptable layout and design which would not cause harm to the residential amenity to existing and future occupiers through over dominating / overshadowing building forms or loss of privacy.

Furthermore it is not considered that the proposals would result in harm to drainage / flooding matters, neither would it impact upon ecology or biodiversity of the surrounding area. Additionally it is not considered that the scheme, subject to further ratification, would be harmful in respect of contaminated land matters.

Additionally it is not considered that the proposals would be detrimental in highway safety terms given its sustainable location neither would it lead to wider issues to the surrounding highway network.

As such, taking account of all the above, it is considered that overall the scheme is contrary to Core Strategy Policy CS22 'Green Spaces' and 'saved' UDP Policy ENV5.1

'Allocated Urban Greenspace' of the UDP, as well as to paragraph 74 of the NPPF, and it is recommended that planning permission be refused for the following reason.

Reason

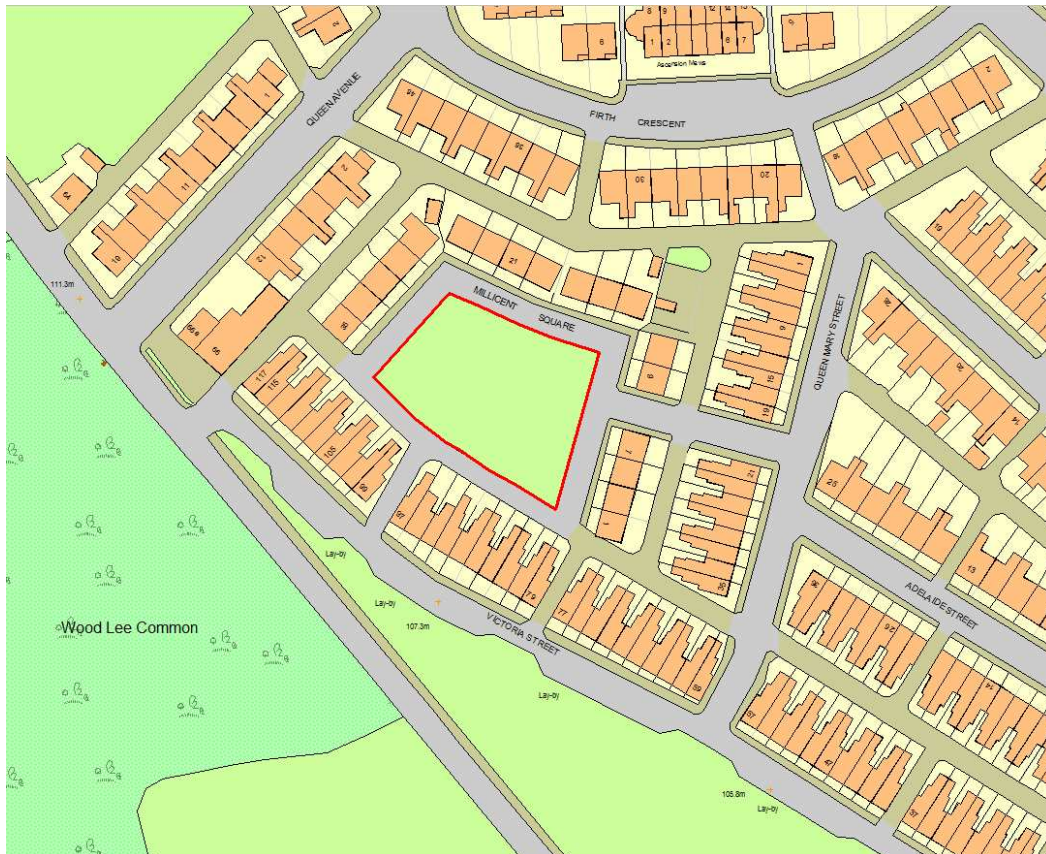
01

The site is allocated as Urban Greenspace on the adopted UDP and the loss of the Urban Greenspace, which is not clearly surplus to requirements, would be detrimental to the local community and the applicant has failed to demonstrate a scheme whereby equivalent or improved provision of Urban Greenspace would be provided within the locality. As such, the proposals are contrary to Core Strategy Policy CS22 'Green Spaces' and to 'saved' UDP Policy ENV5.1 'Allocated Urban Greenspace', as well as the guidance contained within the NPPF.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant entered into pre application discussions with the Local Planning Authority these identified that it is not possible to support a scheme of this nature nor would any amendments make it acceptable. The application was submitted on the basis of these discussions and it was not considered to be in accordance with the principles of the National Planning Policy Framework resulting in this refusal.

Application Number	RB2014/1513
Proposal and Location	Erection of 8 dwellinghouses with associated works at land at Millicent Square, Maltby
Recommendation	Refuse



Site Description & Location

The site of application is a roughly rectangular piece of land located in the centre of Millicent Square and extends to approximately 1,628 square metres. The site is flat and laid to grass with all the dwellings of Millicent Square (on three sides of the site) fronting onto the site. The fourth (southern) side of the site faces the rear of properties on Victoria Street. The surrounding area is characterised by terraced properties constructed of brick with slate roofs.

Background

No planning history.

Proposal

The proposal is for the construction of 8 No. dwellings to be constructed in a continuous terrace in the centre of the site. The dwellings would have their frontages to the north with off road car parking areas for 2 No. cars for each property. The private rear gardens of the properties would be to the south.

The dwellings would be constructed of brick with concrete tiled roofs with some of the dwellings being rendered to the first floor front elevation, and alternate dwellings would have gables at the front.

The applicants have submitted a Design and Access Statement which concludes that: "given the Council's lack of a 5 year supply of land for housing, development plan policies that are considered out of date for the purposes of the NPPF, and an emerging DPD which is at an early stage, it is considered that there is a strong presumption in favour of sustainable residential development as the proposal would help address the under supply of housing and there are no other material considerations to dictate otherwise."

An Urban Greenspace Assessment has been submitted with the application which concludes that "the site therefore provides no visual amenity interest, no habitats," they go on to summarise that "we feel there are numerous better suited and safer amenity spaces provided within the vicinity of this site for local residents, providing the opportunity to redevelop this site for the introduction of dwellings."

A Biodiversity Survey and Report has been submitted with the application which concludes that site is considered to be of low ecological value.

A Ground Contamination Report has been submitted with the application which concludes that it is highly unlikely that there would be any ground contamination at the site.

A Building for Life Assessment has been submitted which concludes that the site is sustainable and suitable for residential development.

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

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

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS20 'Biodiversity and Geodiversity'
CS22 'Green Space'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV5.1 'Allocated Urban Greenspace'
HG4.3 'Windfall Sites'
HG5 'The Residential Environment'
ENV3.2 'Maintaining the Character and Quality of the Environment'

Other Material Considerations

Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: 'Residential infill plots.'

Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 4: 'Requirements for green space in new housing areas.'

The Council's minimum Parking Standards (adopted June 2011).

The Council's Interim Planning Statement on Affordable Housing (2008).

The South Yorkshire Residential Design Guide (SYRDG).

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision."

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of press notice as a departure to the Development Plan, along with the posting of site notices in the locality of the site of Millicent Square. In addition individual notification letters have been sent to occupiers of adjacent properties on Millicent Square. The Council has in total received 15 objections to the application along with a 119 named petition against the proposal from local residents. These include objections from Maltby Town Council. The comments shall be summarised below:

Maltby Town Council

- Object to the loss of the Urban Greenspace.
- The site is valued and used by the local community and provides space for locals to exercise and children to play. The proposal could lead to more parking and noise and air pollution for neighbouring residents.

Local residents

- Loss of Urban Greenspace.

- Loss of a highly valued community facility which allows for informal recreation for the local community for exercise and community events.
- Provides a safe play space for local children as the site is overlooked by houses from Millicent Square. By taking away this facility local children would not have a safe space to play close to where they live.
- Provides a convenient and well used thoroughfare for local residents to get from one side of The Square to the other.
- Seems unfair and unjust to take this facility away from the community when it was laid out as a green space for the residents when the estate was originally built.
- The proposals are detrimental to highway safety in terms of additional traffic and car parking on the road. The entrance to the road is too narrow and this could be detrimental to highway safety as emergency vehicles could not access the site.
- There is no need for more housing in Maltby and there are plenty of houses for sale in the town.
- The Urban Greenspace provides privacy for local residents with new dwellings overlooking neighbouring houses.
- Noise, pollution and disturbance during the construction phase for local residents.
- Alternative sites could be built on in the surrounding area.
- The new houses could be occupied by problem tenants causing further problems in the local area.
- The development could cause anti-social behaviour in the area.
- Increased noise and light pollution from the new dwellings.
- There is no demand for this level of new housing in the village.
- This development would create drainage problems in the area and could increase flooding.
- Loss of view.

In addition, 3 right to speak requests from objectors and 1 right to speak request from the applicant have been received.

Consultations

Streetpride (Transportation & Highways): Raise no objections to the amended layout subject to a condition being attached which relates to the provision of improved sight lines on the edge of the site. They recommend suitable conditions relating to the provision of suitable hard surfacing for vehicle parking and sustainable transport measures being undertaken for the occupants of the new dwellings.

Streetpride (Leisure and Green Spaces Manager): Notes that the site is less than 0.2 hectares in area and so was not included in the latest Green Space Audit carried out and that this is one of a number of green spaces within easy walking distance, so based on the criteria recommended in the Green Space Strategy, loss of this particular site would not necessarily lead to a deficit in the area. However, this does not take into account any local significance the site may have and objections included with the consultation documents indicate that the site is highly valued by local residents for a number of reasons. Given the close proximity of the green space to the homes of many of these people (including some facing onto the green) it is considered that the proposed development would have an unacceptable impact on the character of the area and quality of life of people living there.

Neighbourhoods (Environmental Health, Contaminated Land Officer): Considers that there will be a low risk of significant ground contamination due to the lack of former industrial historical uses associated with the site. The overall risk to human health is considered as low. Conditions are recommended to any planning permission granted in this respect, which would require that prior to occupation of the dwellings the top and sub soils are tested for potential ground contamination.

Streetpride (Ecologist): Comments that the application information includes a biodiversity survey and impact assessment report (TEP, October 2014). The survey extent and methodologies used are appropriate and the results of the survey work are accepted. The site has low ecological interest and has no features that could support protected species. There is no ecological objection to the proposed development. The Council's Ecologist has requested a condition requiring a suitable level of ecological enhancement from the site in line with national planning policy.

Streetpride (Drainage): The Council's Drainage Engineer notes that on site attenuation is required. It is likely that the existing public surface water sewer discharges to an ordinary watercourse (Maltby Dyke), which has flooding problems, therefore all additional flows must be restricted. It is considered that these matters can be controlled by the way of a recommended condition.

Appraisal

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

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

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

The site is allocated for Urban Greenspace purposes on the adopted UDP and the following issues are considered to be relevant:

- Principle of the development
- The layout and design of the development
- Impact on neighbouring amenity
- Impact upon highway safety
- Ecology / biodiversity issues
- Drainage and flooding issues
- Contamination
- Other matters raised by objectors

Principle of development:

Paragraph 14 to the NPPF notes that: "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 47 of the National Planning Policy Framework notes that: “To boost significantly the supply of housing, local planning authorities should (amongst other things): identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;”

Paragraph 49 of the NPPF adds that: “...housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

Currently it is estimated that the Council is slightly under the 5 year (plus 20%) supply target of 5,836, and that the figure is actually 5,510, a small shortfall of 237 units. The NPPF states that in these circumstances paragraph 14 should be the starting point for the consideration of planning applications.

In this instance the site is allocated for Urban Greenspace purposes in the UDP and is a green field site as it has never been developed.

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

- a. Requiring development proposals to provide new or upgrade existing provision of accessible green space where it is necessary to do so as a direct result of the new development
- b. Having regard to the detailed policies in the Sites and Policies document that will establish a standard for green space provision where new green space is required
- c. Protecting and enhancing green space that contributes to the amenities of the surrounding area, or could serve areas allocated for future residential development
- d. Considering the potential of currently inaccessible green space to meet an identified need.
- e. Putting in place provision for long term management of green space provided by development

f. Requiring all new green space to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.

g. Links between green spaces will be preserved, improved and extended by:

- i. Retaining and enhancing green spaces that are easily accessible from strategically important routes as identified in the Public Rights of Way Improvement Plan, and those that adjoin one or more neighbouring green spaces to form a linear feature
- ii. Creating or extending green links where feasible as part of green space provision in new developments.”

In addition, ‘saved’ UDP Policy ENV5.1 ‘Allocated Urban Greenspace’ states that :
“Development that results in the loss of Urban Greenspace as identified on the Proposals Map will only be permitted if:

- (i) alternative provision of equivalent community benefit and accessibility is made, or
- (ii) it would enhance the local Urban Greenspace provision, and
- (iii) it would conform with the requirements of Policy CR2.2, and
- (iv) it does not conflict with other policies and proposals contained in the Plan in particular those relating to heritage interest.”

These Policies comply with Paragraph 73 of the NPPF which states that “Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.”

Policy CS23 and ENV5.1 also comply with Paragraph 74 of the NPPF which states that “Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”

Policy CS22 Green Space provides protection to informal green space. Whilst this policy is seeking to enhance and improve green space through the granting of any future planning applications the opening sentence of the policy is clear in its protection of greenspace. “The Council will seek to protect and improve the quality and accessibility of green spaces available to the local community...”

In this instance there are no clear greenspace / recreational benefits from the application with the applicant stating that there is plenty of alternative open space available for residents. It is considered that the key test to the principle of this application is contained with Paragraph 74 of the NPPF, which re-iterate the Policy

contained within UDP Policy ENV5.1 'Allocated Urban Greenspace'. Each of these points will be considered in turn.

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements.

It is noted that the applicant has submitted an Urban Greenspace Assessment which concludes that "the site therefore provides no visual amenity interest, no habitats," they go on to summarise that "we feel there are numerous better suited and safer amenity spaces provided within the vicinity of this site for local residents, providing the opportunity to redevelop this site for the introduction of dwellings." The site is less than 0.2 hectares in area and so was not included in the latest Green Space Audit carried out and that this is one of a number of green spaces within easy walking distance, so based on the criteria recommended in the Green Space Strategy, loss of this particular site would not necessarily lead to a deficit in the area.

However, it is noted that there is considerable local opposition from residents of Millicent Square and the wider community to the loss of this area of Urban Greenspace. The Council's Green Spaces Manager notes that it is clearly apparent that the space is highly valued and used by the local community and states that the proposed development would have an unacceptable impact on the character of the area and quality of life of people living there. It is therefore considered that the site is not clearly surplus to the requirements of the local community.

- or, the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

The applicants are not proposing to provide any equivalent or any other form of open space provision as part of this application.

It is noted that paragraph 73 of the NPPF states that: "Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities." In this instance the loss of the greater part of this area of Urban Greenspace significantly reduces the access and opportunity for local residents to exercise and for informal recreational opportunities. As such, the proposal is contrary to paragraph 73 of the NPPF.

The Council's Green Spaces Manager notes that the site is of local significance given the close proximity of the green space to the homes of many of these people (including some facing onto the green). Therefore the proposed development would have an unacceptable impact on the character of the area and quality of life of people living there. Therefore the loss of this area of Urban Greenspace reduces the access and opportunity for local residents to exercise and for informal recreational opportunities.

- or, the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

The proposal is not for alternative sports or recreational provision and therefore does not pass this test.

In conclusion, it is considered that the proposal fails to pass the tests set out in paragraph 74 of the NPPF. It is also considered to be contrary to Core Strategy Policy CS22 'Green Space' and to UDP Policy ENV5.1 'Allocated Urban Greenspace.'

Whilst it is noted that the Council does not have a 5 year (plus 20%) supply of housing in the Borough, it is considered that the loss of this valuable area of Urban Greenspace to the local community is a material consideration (as required under paragraph 14 of the NPPF) which would outweigh the community benefits of the proposed housing.

The layout and design of the development:

In respect to layout considerations, UDP Policy HG5 'The Residential Environment,' encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed in paragraph 55 of the NPPF which states that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

This is further underpinned by Core Strategy Policy CS28 'Sustainable Design' which states that "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping."

Paragraph 56 of the NPPF notes that "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

In assessing the above layout considerations, as a standalone site, the scheme has been designed primarily to reflect the design of the dwellings on Millicent Square. It is considered that the proposals would not appear out of character with the locality, which is characterised by terraced properties.

The South Yorkshire Residential Design Guide (SYRDG) is underpinned by the principles as set out under Building for Life 12 and further sets out guidance in relation to layout considerations in respect of unit size, minimum room dimensions and outdoor amenity sizes. In respect of the latter, the SYRDG notes that: "Back gardens of houses should be appropriate to the size of the property, its orientation and likely number of inhabitants. Private gardens of two bedroom houses/bungalows should be at least 50 square metres; for three or more bedroom houses/bungalows, 60 square metres. Smaller gardens may be acceptable in corner zones of blocks if privacy and daylighting can be maintained."

In assessing the scheme, it is acknowledged that it complies with the aforementioned guidance and would provide private rear gardens in accordance with the SYRDG requirements.

With respect to design matters, the recently issued National Planning Practice Guidance (NPPG) notes that: “Good design should:

- ensure that development can deliver a wide range of planning objectives.
- enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being.
- address the need for different uses sympathetically.”

In addition, paragraph 64 to the NPPF further adds that: “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character of an area and the way it functions.”

On this matter, the scale of the dwellings is considered commensurate to the majority of the surrounding dwellings and though the density of the site would be less than the surrounding properties it is considered that the scheme would not appear out of character with the grain of the surrounding area. Furthermore, the scheme allows for garden space to be landscaped to the frontage of all the dwellings.

Taking account of all the above matters it is considered that the layout of the dwellings is appropriate and subject to the imposition of the recommended conditions in respect of materials that the scheme accords with the provisions of Core Strategy Policy CS28 ‘Sustainable Design’ and UDP Policy HG5 ‘The Residential Environment,’ along with the South Yorkshire Residential Design Guide and advice contained within the NPPF.

Impact on neighbouring amenity:

The NPPF notes at paragraph 17 that: “Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning (amongst others) should:

- always seek... a good standard of amenity.”

The inter-house spacing standards contained within the Council’s Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: ‘Residential infill plots,’ which indicates that there should be a minimum of 20 metres between habitable room windows, 12 metres minimum between a habitable room window and an elevation with no windows, and no elevation containing habitable room windows at first floor should be located within 10 metres of a boundary with another property.

The SYRDG further advocates that for the purposes of privacy and avoiding an ‘overbearing’ relationship between buildings, that: “...the minimum back-to-back dimension (between facing habitable rooms) should be 21 metres. This also corresponds to a common minimum rear garden or amenity space of about 10 metres in depth.” The SYRDG further notes that for the purposes of daylighting back-to-back distances should, as appropriate to specific circumstances, be limited by the ‘25 degree rule,’ (i.e. all built development facing a back window should be below the 25 degree line).

With the above standards in mind, it is noted that the new dwellings all adhere to these standards in terms of separation distances to existing properties. As such, it is

considered that the dwellings would not harm the amenity of existing neighbouring in terms of overlooking or harm to outlook.

As such, it is considered that the proposed dwellings would conform with the Council's Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: 'Residential infill plots,' and the advice as set out in the SYRDG.

Impact upon highway safety:

The Council's minimum Parking Standards (adopted June 2011), recommends for residential developments that 1 or 2 bedroom properties should be provided with 1 parking space per dwelling and 3 or 4 bedroom properties provided with 2 No. parking spaces per dwelling. The proposed development complies with these standards.

The revised scheme has been assessed in highway safety terms both in respect to the site as a whole and upon the wider highway network and it is considered that the development is acceptable in highway safety terms, subject to a recommended condition relating to the provision of sight lines.

In site layout terms, the amended layout accords with both the guidance from the South Yorkshire Residential Design Guide and Manual for Streets, whilst the proposed level of off street car parking facilities further accords with the Council's Minimum Residential Car Parking Standards such that adequate levels of parking are achieved. Further conditions are recommended in respect of details of road sections and constructional and drainage details for those areas to be used by vehicles. Additionally, the Transportation Unit support the suggested use of Travel Master Passes which can be secured via the S106 Obligation attached to any permission granted.

In terms of additional traffic using the access from Millicent Square onto the wider road network it is noted that the Council's Transportation Unit have raised no concerns about this from a highway safety perspective.

Overall with the above in mind, it is considered that the proposal would not be detrimental in highway or pedestrian safety or add to congestion upon the surrounding junctions / wider highway network and as such the scheme subject to the suggested conditions accords with UDP Policy T6 'Location and Layout of Development .,' as well as the advice within the NPPF .

Ecology / biodiversity issues:

UDP Policy ENV3.2 'Maintaining the Character and Quality of the Environment,' states: "In considering any development or other proposals which would unavoidably damage an existing environmental interest, prior to determining a planning application, the Council will require the application to be supported by adequate survey, evaluation, recording, and where appropriate, details of renovation or repair of historic fabric and rescue or relocation of features or species of environmental interest should be reduced to a minimum and, where possible, the interest which is retained should be enhanced. In addition there must be adequate compensation for any significant losses through landscaping, habitat creation or other environmental enhancement."

Paragraph 118 of the NPPF states “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- Opportunities to incorporate biodiversity in and around developments should be encouraged.”

The application has been accompanied with an Ecological Assessment, which has been assessed by the Council’s Streetpride (Ecology) Officer who considers that the survey extent and methodologies used are appropriate and the results of the survey work are accepted. The site has low ecological interest and has no features that could support protected species. There is no ecological objection to the proposed development.

The Council’s Ecologist has requested a condition requiring a suitable level of ecological enhancement from the site in line with national planning policy, if planning approval is forthcoming. Such matters can be secured through the imposition of an appropriate condition, and subject to this, it is considered that the proposal would be in accordance with UDP Policy ENV3.2 ‘Maintaining the Character and Quality of the Environment,’ along with the advice in the NPPF.

Drainage/ flooding issues:

UDP Policy ENV3.2 ‘Minimising the Impact of Development,’ notes that: “In considering the scale, appearance, nature and location of development and infrastructure proposals, the Council will seek to minimise adverse impact on the environment, including water resources...”

The NPPF further advises at paragraph 103 that: “When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”

The Council’s Drainage Engineer notes that on site attenuation required at the site for surface water. It is likely that the existing public surface water sewer discharges to an ordinary watercourse (Maltby Dyke), which has flooding problems, therefore all additional flows must be restricted. It is considered that these matters can be controlled by the way of a recommended condition.

As such, it is considered that these matters can be controlled via the imposition of the recommended conditions and informatives and as such compliance with UDP Policy ENV3.2 ‘Minimising the Impact of Development,’ along with the guidance contained within the NPPF is achieved.

Contaminated land issues:

UDP Policy ENV4.4 'Contaminated Land,' notes that: "Where land that may be contaminated as a result of previous uses, is proposed for development the Council will need to be satisfied that the applicant has:

- (i) undertaken investigations to establish the nature and extent of the contamination and its potential effects on the proposed development and/or the occupants thereof, and
- (ii) provided details of the measures proposed for the removal and/or treatment of the contamination which will not cause or increase pollution in the environment, particularly to watercourses and ground-water resources. Where permission is granted, such measures will be imposed as planning conditions to be implemented prior to commencement of development or within a timescale agreed with the Council."

The NPPF further notes at paragraph 120 that: "Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

The NPPF further advises at paragraph 121 that; "Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as ...pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
- adequate site investigation information, prepared by a competent person, is presented."

The comments received from the Council's Contaminated Land (Development Officer) is that there is a low risk of significant ground contamination due to the lack of former industrial historical uses associated with the site. The overall risk to human health is considered as low. Conditions are recommended to any planning permission granted in this respect, which would require that prior to occupation of the dwellings the top and sub soils are tested for potential ground contamination. The results of investigations and chemical testing may reveal that remediation works are required at the site. Such a request can be controlled via the imposition of appropriate conditions.

Other issues raised by objectors

Other issues were raised by objectors which include the loss of the site as it provides a convenient and well used thoroughfare for local residents to get from one side of Millicent Square to the other. This is noted but the development would not result in significant additional walking distance to pass from one side of the Square to the other. As such, it is considered that whilst this would be somewhat detrimental to the local community a reason for refusal cannot be justified on this basis.

Concerns were raised about the possibility of increased anti-social behaviour from the occupants of the new dwellings. Whilst this is noted it is considered that who occupies the dwellings is not a material planning consideration and this cannot be taken into consideration with regards to the application.

It is noted that local residents also raised concerns about noise and disturbance during the construction phase. This is noted and it is considered that if planning permission was granted in respect of the development then an informative could be appended regarding working practices during construction.

Other issues raised by objectors were not material planning considerations and included the loss of view and devaluation of property values.

Conclusion

In conclusion, it is considered that the loss of the Urban Greenspace has not been justified by the applicant and that the loss of the valued space would be materially harmful to the local community. Furthermore, it is considered that the contribution to a 5 year supply of housing for the Borough does not outweigh the harm to the loss of the Urban Greenspace.

It is considered that the scheme as now revised and amended provides an acceptable layout and design which would not cause harm to the residential amenity to existing and future occupiers through over dominating / overshadowing building forms or loss of privacy.

Furthermore it is not considered that the proposals would result in harm to drainage / flooding matters, neither would it impact upon ecology or biodiversity of the surrounding area, subject to the recommended conditions. Additionally it is not considered that the scheme, subject to further ratification, would be harmful in respect of contaminated land matters.

Additionally it is not considered that the proposals would be detrimental in highway safety terms given its sustainable location neither would it lead to wider issues to the surrounding highway network.

As such, taking account of all the above, it is considered that overall the scheme is contrary to Core Strategy Policy CS22 'Green Spaces' and 'saved' UDP Policy ENV5.1 'Allocated Urban Greenspace' of the UDP, as well as to paragraph 74 of the NPPF, and it is recommended that planning permission be refused for the following reason.

Reason

01

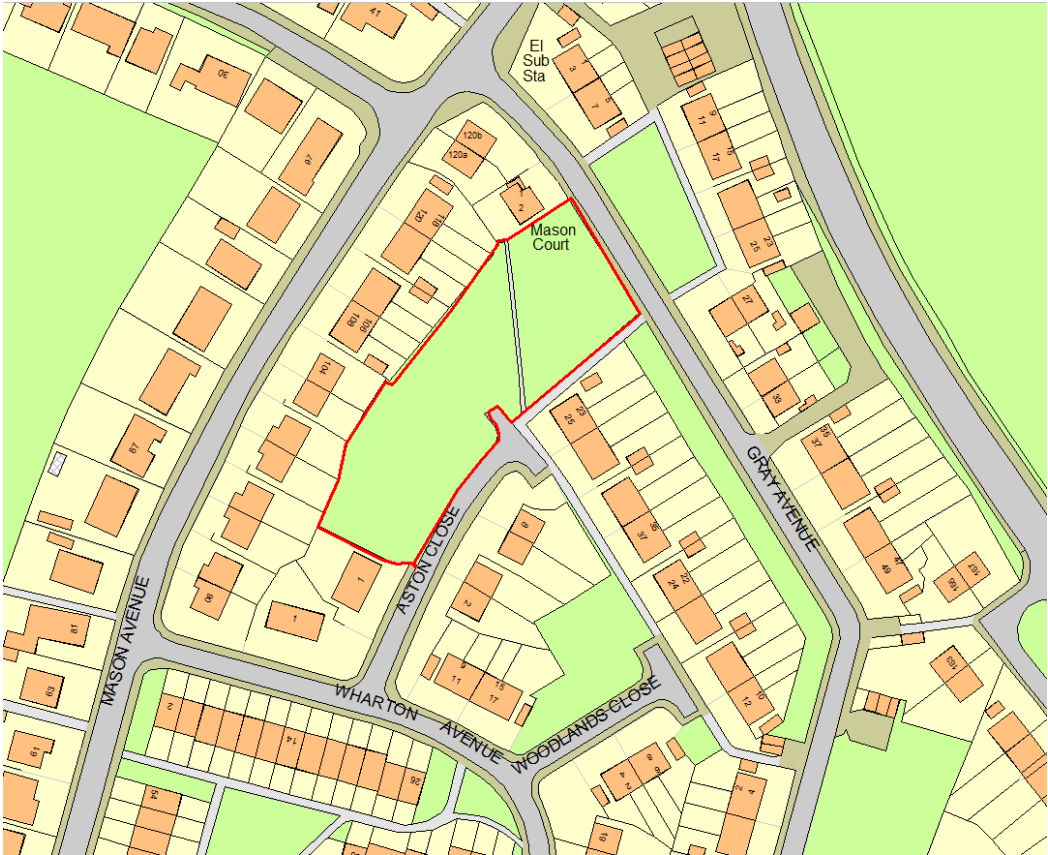
The site is allocated as Urban Greenspace on the adopted UDP and the loss of the Urban Greenspace, which is not clearly surplus to requirements, would be detrimental to the local community and the applicant has failed to demonstrate a scheme whereby equivalent or improved provision of Urban Greenspace would be provided within the locality. As such, the proposals are contrary to Core Strategy Policy CS22 'Green Spaces' and to 'saved' UDP Policy ENV5.1 'Allocated Urban Greenspace', as well as the guidance contained within the NPPF.

POSITIVE AND PROACTIVE STATEMENT

Whilst the applicant entered into pre application discussions with the Local Planning Authority these identified that it is not possible to support a scheme of this nature nor would any amendments make it acceptable. The application was submitted on the

basis of these discussions and it was not considered to be in accordance with the principles of the National Planning Policy Framework resulting in this refusal.

Application Number	RB2014/1567
Proposal and Location	Erection of 12 No. dwellings with associated private gardens & parking at land at Aston Close, Aughton, S26 3SB
Recommendation	Grant subject to conditions and S106 legal agreement



Site Description & Location

The application site is an informal area of open space forming part of a large estate constructed in the 1960s. The site area is approximately 0.29 Ha and currently contains a number of mature and semi mature trees with a public footpath running through the site from Gray Avenue to Aston Close.

The immediate area is made up of two storey semi detached and cottage apartments, constructed in brown brickwork with elements of feature tile cladding.

Aston close is a narrow adopted 4m wide cul de sac, with a full pedestrian footpath to the south eastern side.

Background

RH1961/3318 - Estate layout roads & sewers & 12 houses for sale – Granted

RH1967/3318H - Details of 20 houses 68 garages roads & sewers (reserved p11969) –
Granted

The current application site was originally earmarked for residential development in the 1960s, but was never developed out and the site retained as open land.

Proposal

The proposal is to construct 12 no. dwellings, with associated private gardens and access parking. 6 semi detached properties are proposed to front onto Aston Close, four of which will be three bedroom properties with the remaining two being two bedroom properties. 6 apartments are proposed to front Gray Avenue all of which will be two bedroom properties. All the units are affordable dwellings and are to be rented by Great Places Housing Association.

The applicant intends to construct the dwellings from red brickwork, with additional yellow buff feature brickwork elements to the flats. Thin profile grey tiles are proposed to the roof. All the dwellings are to be Code for Sustainable Homes level 3 and will comply with Secured by Design. Two of the existing trees on site are to be retained as part of the scheme, with the 4 off site trees retained and the remaining 7 trees felled to make way for the proposed development.

The new three bedroom properties are to have two off street parking spaces, whilst the two bedroom properties are to have one parking space only. The apartments have a total of three parking spaces with an additional three visitor spaces; it is proposed that the ground floor apartments are to be rented to those without cars.

The applicant proposes to retain the existing footpath link between Gray Avenue and Aston Close, and has provided a landscape buffer to prevent a muggers alley situation occurring. Aston Close is to be increased in width (5.5m) to meet modern adoptable standards, with an additional turning head formed to allow a refuge or fire appliance to manoeuvre.

The plans have been amended slightly during the course of the application, plot 3 is to be set 1m further back to improve the amenity of plot 4, and side windows have been added to plots 1 & 3 to break up the blank elevations and to create overlooking of the public highway.

The Applicant's Tree Report Concludes:

- The main trees on this site are T7/8/10. These are very prominent in the street scene and dominate the limited landscape in that area. The majority of the other trees on site have been graded in the 'C' category due to their low quality.
- The Ash tree, T12 in the adjacent property is also quite prominent but is not of particularly good form. It does however make a valuable contribution to the treescape and it will be necessary to ensure that its root protection zone is adhered to during to any construction period.

The applicant's Bat & Bird Survey concludes that:

- The trees and scrub on site are likely to contribute to foraging resources used by bats, should they be resident within the local area. However, similar, alternative habitat is available within the local area and the site trees/scrub are considered to be of importance to foraging bats within the zone of immediate influence only.
- Roosting bats are not considered to be a receptor for the proposed development at the site and no further bat survey is recommended.
- Consideration could be given to installing a number of bat bricks/boxes e.g. Schwegler 1FR bat tubes, as part of the development.
- The trees and scrub on site have potential to be used by nesting birds during the breeding season, with two disused bird nests, considered to show characteristics consistent with the corvid family and a passerine species, recorded within scrub on the day of survey, indicating previous use during the breeding season.
- Land take of trees and scrub on site will result in a loss of bird nesting and foraging opportunity, although there is alternative habitat in the local and wider area. As such, land take is considered to be of importance to nesting and foraging birds within the zone of immediate effect only.
- Appropriate nest boxes could be incorporated into the development, where practicable, to provide a positive enhancement for nature conservation post development through long term nesting provision.

The Applicant Design & Access Statement states that:

- The built form proposes a simple arrangement of traditional forms with a contemporary twist to give visual interest: all dwellings utilise dark grey windows and doors to reflect current architectural trends. The building edges are maintained to provide adequate amenity distances between existing and proposed dwellings with generously sized rear gardens. The associated gardens allow for the planting of new trees and soft landscaping to the site.
- The footpath along the North-East boundary has been carefully incorporated into the design, the aim being to maximise the open space with views for added security, supplemented by windows in the gable ends of the apartments to overlook this space.
- The dwellings will be designed to achieve Code for Sustainable Homes Level 3. The full detail of the strategy for this will be developed in conjunction with the contractors once appointed.
- Great Places Housing Group has worked closely with strategic housing at Rotherham Metropolitan Borough Council to provide a tenure and mix of housing which is in demand in the local area. The homes will be available for Affordable Rent which is 80% of market rent value and let to people on Rotherham's Housing Register. The homes will be available through 'Keychoices,' the Choice Based Lettings website and property shop in Rotherham Town Centre. Every new resident will be interviewed by Great Places and will be required to sign up to a strict tenancy agreement.

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 'saved' policies from the Unitary Development Plan (UDP).

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

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS7 'Housing Mix and Affordability'
CS14 "Accessible Places and Managing Demand for Travel"
CS20 'Biodiversity and Geodiversity'
CS21 'Landscape'
CS22 'Green Space'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

ENV5.2 'Incidental Urban Greenspace'
HG4.3 'Windfall Sites'
HG5 'The Residential Environment'

Other Material Considerations

Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 3: 'Residential infill plots.'

Adopted Supplementary Planning Guidance (SPG) - Housing Guidance 4: 'Requirements for green space in new housing areas.'

The Council's minimum Parking Standards (adopted June 2011).

The Council's Interim Planning Statement on Affordable Housing (2008).

The South Yorkshire Residential Design Guide (SYRDG).

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision."

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

The application has also been assessed against the requirements of the:

Publicity

The application was advertised in the press, site notices and neighbouring notification letter. Two letters of objection have been received as well as a petition objecting containing 56 signatures. The two objection letters state:

- The green area is used by many residents and children, allowing them to walk their dogs, chat, fly kites, play ball games and do nature study projects.
- Local children spend too long indoors and need such outdoor play areas.
- Outdoor play is important for children's physiological and physical development.
- The proposal will cause disruption during the construction phase and distress to local residents, including the disabled.
- The road is to be widened by 5 feet but this doesn't compensate for the houses that are to be erected on this road the road needs to be widened more than the 5 feet.
- I don't agree with the loss of green space/trees as we have wildlife and birds nesting and reproducing
- In this area, the space on Gray Avenue would be more suitable as it is larger and less used than Aston Close. Gray Avenue land is used now for people fly tipping and lighting fires.
- Burgoyne Park is regularly plagued with teenagers smoking and swearing and destroying equipment not a good place for my 5 and 7 year old to have a kick about with the football like the grass opposite us is a perfect place for them.
- Lack of on street parking on Aston Close, current residents of Aston Close should be provided with drives and fenced off gardens prior to the building commencing so as to eliminate parking on the road.

The petition recommends that only the Gray Avenue area section of the site (containing the proposed flats) is built upon and that remaining dwellings are erected on the Urban Greenspace area further down on Gray Avenue.

Two objectors have requested the right to speak.

Consultations

Streetpride (Transportation & Highways): Notes that Aston Close will be increased in width to 5.5m along the site frontage. A prospectively adoptable footway will be provided on the site frontage with Aston Close and a prospectively adoptable turning head is also to be provided, which will be capable of accommodating the typical turning manoeuvres of a refuse vehicle in Aston Close.

Whilst the 6 No. units fronting Gray Avenue are, in planning terms, flats which usually warrant 9 No. parking spaces, the terraced arrangement with a significant highway frontage can be viewed, in highway terms, as 6 No. 2 bed terraced houses in which case 6 No. curtilage parking bays (plus the ability for some visitor parking in the highway) accords with the Council's parking standards and is acceptable in this

instance. As such the proposal is acceptable in highway terms subject to appropriate conditions.

Streetpride (Ecology): The ecological information provided is acceptable. The landscape proposals demonstrate the incorporation of ecological mitigation and enhancement measures, and no objections are raised, subject to a recommended informative.

Neighbourhoods (Land Contamination): It is considered there will be low risk of significant ground contamination due to the lack of any former industrial historical uses at the site.

The Coal Authority: Has confirmed that the application site is situated within the likely zone of influence of workings in 4 seams of coal, identified at a depth of 230m to 580m below ground level. These seams were last worked in 1968 and it is suggested that any ground movements should have ceased by now. The Coal Authority has also confirmed there are no productive coal seams at shallow depths and therefore the risks from stability issues have been considered as negligible.

Streetpride (Tree Service Manager): The site contains 10 individual trees and 2 groups of trees. In addition T12 Ash is positioned on adjacent land and is included in the survey as it may be affected by the development. The contents of the report and its recommendations are noted and generally accepted.

Of the existing trees T7, T8 and T10 are the better amenity trees with good future prospects. These are trees that would normally be recommended for retention as part of any development and inclusion within a new Tree Preservation Order to provide additional protection throughout any development and medium to long term protection following any development.

According to the submitted site plan drawing 6 individual trees are shown to be retained, being T1, T2, T3, T7, T10 and T12 (4 of these are not on the site itself but on adjacent land). It is noted that the removal of T8 is inevitable and that any subsequent adverse impact on local amenity will be unavoidable.

The remaining trees are recommended for removal due to poor natural development, poor condition and / or limited future prospects. It is noted that T1 is also recommended for removal due to its poor condition. There are no objections to the removal of the remaining trees subject to new trees being planted within the site.

The revised siting of the proposed dwellings in plots 3 to 6 is now 12m from the centre of the main stems of T7 and T10 as previously advised and this is welcomed. Reducing the offset distance between the dwelling in plot 3 and T10 to 11m may result in more significant difficulties of branch encroachment and shading to the resident of the property once it is occupied. However, the reason for this to reduce it being overbearing to Plot 4 is appreciated and there is no objection to this minor amendment.

In addition to the above the medium to long term future prospects of the better amenity trees T7 and T10, may be safeguarded if they are included in a new Tree Preservation Order which would also give additional protection throughout any development, and this is being pursued as a separate matter.

Streetpride (Leisure & Green Spaces Manager): The site was assessed in the Green Space Audit as being High Quality/Low Value. The area would remain adequately served by alternative green spaces if this site were to be developed (assuming that the green space at Gray Avenue remains undeveloped). It is therefore considered that development on the current application site would be acceptable in terms of impact on recreational open space subject to a contribution being made to enhancement of provision elsewhere in the vicinity.

Appraisal

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

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

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

The site is allocated for Residential purposes on the adopted UDP and the following issues are considered to be relevant:

- The principle of development and the loss of incidental Urban Greenspace
- Design and layout
- Highway safety and transportation issues
- Landscaping & ecology
- Affordable housing provision
- Other matters raised by objectors

The principle of development and the loss of incidental Urban Greenspace

Paragraph 14 to the NPPF notes that: "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

Paragraph 47 of the National Planning Policy Framework notes that: "To boost significantly the supply of housing, local planning authorities should (amongst other

things): identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land."

Paragraph 49 of the NPPF adds that: "...housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Currently it is estimated that the Council is slightly under the 5 year (plus 20%) supply target of 5,836, and that the figure is actually 5,510, a small shortfall of 237 units. The NPPF states that in these circumstances paragraph 14 should be the starting point for the consideration of planning applications.

In this instance the site is allocated for Residential purposes though acts as an area of Incidental Urban Greenspace.

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

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

In addition, 'saved' UDP Policy ENV5.2 'Incidental Urban Greenspace' states development that results in the loss of small areas of urban green space will only be permitted under circumstances that are outlined under ENV Policy 5.1 which in turn states that: "Development that results in the loss of Urban Greenspace as identified on the Proposals Map will only be permitted if:

- (i) alternative provision of equivalent community benefit and accessibility is made, or
- (ii) it would enhance the local Urban Greenspace provision, and
- (iii) it would conform with the requirements of Policy CR2.2, and
- (iv) it does not conflict with other policies and proposals contained in the Plan in particular those relating to heritage interest."

These Policies conform with paragraph 74 of the NPPF which states that:

"Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

The Council's Green Space Service assessed the site in the Green Space Audit as being of High Quality, but Low Value. The site is considered to be adequately served by alternative green spaces, such as Burgoyne Park and the additional Greenspace on Gray Avenue.

In terms of the replacement of the area by equivalent or better provision in terms of quantity and quality in a suitable location, the Green Space Service considers that a contribution to the upgrading of the existing Greenspace in the Swallownest Area (e.g. at Alexandra Park or West Bank Drive). The commuted sum of £4,200 will be addressed by way of the associated S106 Legal Agreement.

It has been suggested by a number of objectors that the Urban Greenspace further down on Gray Avenue would be more appropriate for residential development. However this site forms an important Green Corridor through the estate linking to the large park at Alexandra Road. The Council's Ecologist views such a Green Corridor as essential for wildlife and provides a pleasant walk for local residents.

Finally it should be noted that the application site falls within a Residential allocation and was originally intended to be developed for residential development in the 1960s. It is noted that the Council does not have a 5 year (plus 20%) supply of housing in the Borough and the loss of this area of Incidental Urban Greenspace to the local community is a material consideration (as required under paragraph 14 of the NPPF). However, it is not considered that the loss of this open area would outweigh the community benefits of the proposed development, being the improvement to existing in the area and the provision of additional housing, which is 100% affordable housing.

With the above circumstances in mind it is considered that the loss of the Incidental Urban Greenspace is acceptable subject to the appropriate financial contribution to

compensate for its loss. As such the proposal accords with UDP Policies 5.1 & 5.2, Core Strategy Policy CS22 and the guidance contained within the NPPF.

Design and layout

Policy HG5 of the adopted UDP encourages the use of best practice in housing layout and design in order to provide high quality developments. This approach is also echoed in paragraph 55 of the NPPF which states that: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”..

In addition, Policy 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, Policy CS28 ‘Sustainable Design’ indicates that proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and have well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping. Moreover it states design should take all opportunities to improve the character and quality of an area and the way it functions.”

The NPPF at paragraph 17 requires development to always seek a high quality of design, while paragraph 56 states: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively for making places better for people.” In addition paragraph 57 states: “It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.”

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

Having regard to all of the above, it is considered that the layout and design of the proposed development offers an acceptable balance between achieving an efficient use of the land available whilst safeguarding a satisfactory provision of individual private amenity space for each dwelling. All the dwellings except for the first floor flats will have rear gardens in excess of 60sqm, with the gardens exceeding 10m in length. All the dwellings meet the Council’s minimum 21m habitable room window to habitable room window requirements and no harm to neighbouring amenity will occur from overlooking, or by way of being overbearing.

The applicant has sought to retain two trees on site in order to prevent their loss and to minimise both visual and ecological harm. The retention of the trees has influenced the layout with a couple of plots set slightly forward. The retention of the two trees will add interest to the development and does not compromise the overall layout.

The existing pedestrian link between Aston Close & Gray Avenue has also been retained as part of the scheme with a landscaped buffer strip to provide a desirable, well overlooked footpath.

With regards to the style of the properties, they are of a simple modern design with red brickwork, concrete tiles and dark grey U-PVC windows. The flats are to include additional yellow brickwork elements to break up the red brickwork. The overall appearance will be acceptable and will fit in with the existing dwellings in the vicinity. The dwellings meet the internal and garden space limits set out in the South Yorkshire Residential Design Guide.

As such the proposed design of the scheme accords with both local planning policies and the guidance contained within the NPPF.

Highway safety and transportation issues

CS14 Accessible Places and Managing Demand for Travel states that:

“The Council will work with partners and stakeholders to focus transport investment on making places more accessible and on changing travel behaviour. Accessibility will be promoted through the proximity of people to employment, leisure, retail, health and public services by:

- a. Locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel (but principally by public transport) and through supporting high density development near to public transport interchanges or near to relevant frequent public transport links.
- b. Enabling walking and cycling to be used for shorter trips and for links to public transport interchanges.
- c. Reducing car parking provision in town centre and other accessible sites if public transport and other sustainable modes can accommodate travel but not to an extent where the town centre is unattractive when compared to out of town shopping centres”.

The scheme has been designed to accord with the Council's minimum parking requirements and the proposed cul de sac is to be upgraded with an additional turning head for a refuse lorry and fire appliance.

The six flats are proposed to have six parking spaces, 3 of which are to be used for the first floor flats with the remaining ground floor flats having access to the 3 visitor parking spaces. The Transportation Unit notes that whilst the 6 No. units fronting Gray Avenue are, in planning terms, flats which usually warrant 9 No. parking spaces, the terraced arrangement with a significant highway frontage can be viewed, in highway terms, as 6 No. 2 bed terraced houses in which case 6 No. curtilage parking bays (plus the ability for some visitor parking in the highway) accords with the Council's parking standards and is acceptable in this instance. In addition, the ground floor flats are intended for disabled or elderly residents and as such do not require a formal space, but will have access to the three visitor parking bays, and Gray Avenue is suitable for short term on street parking. Furthermore the site is located in a sustainable location within walking distance of local amenities as well as public transport links.

Overall, it is considered that this proposed application will not have a detrimental impact upon highway safety and the proposal complies with CS14 Accessible Places and Managing Demand for Travel and policies with the NPPF.

Landscaping & Ecology

Policy ENV 3.4 'Trees and Woodlands,' states that: "The Council will seek to promote and enhance, tree hedgerow and woodland coverage throughout the Borough.

Policy ENV3.2 'Maintaining the Character and Quality of the Environment,' states: "In considering any development or other proposals which would unavoidably damage an existing environmental interest, prior to determining a planning application, the Council will require the application to be supported by adequate survey, evaluation, recording, and where appropriate, details of renovation or repair of historic fabric and rescue or relocation of features or species of environmental interest should be reduced to a minimum and, where possible, the interest which is retained should be enhanced. In addition there must be adequate compensation for any significant losses through landscaping, habitat creation or other environmental enhancement."

Paragraph 118 of the NPPF states (amongst other things): "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- Opportunities to incorporate biodiversity in and around developments should be encouraged.
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."

The site contains a number mature trees, probably planted during the 1960s as part of the original estate. The applicant intends to retain two trees on site as part of the scheme in order to minimise the loss of the landscaping. Due to the requirement for adequate tree route protection only two trees can be retained as part of the scheme, though there are others located outside of the site in the immediate area that would remain.

In order to compensate for the loss of trees and ecological features, the submitted bat and bird survey recommends bat and bird boxes to the dwellings to provide additional habitable. The Council's Ecologist and Tree Service Manager have no objections to the proposals.

Affordable housing provision

In regard to affordable housing provision, Core Strategy Policy CS7 'Housing Mix and Affordability' states:

- c. Proposals for new housing will be expected to deliver a mix of dwelling sizes, type and tenure taking into account an up to date Strategic Housing Market Assessment for the entire housing market area and the needs of the market, in order to meet the present and future needs of all members of the community.

- d. The Council will seek the provision of affordable housing on all housing development according to the targets set out below, subject to this being consistent with the economic viability of the development:
- ii. Sites of less than 15 dwellings or developments with a gross site area of less than 0.5 hectares; 25% affordable homes on site or a commuted sum of £10,000 per dwelling to contribute towards provision off site. Any agreed commuted sums would be subject to the provision of a payment scheme agreed between the Council and the applicant.

Paragraph 50 of the NPPF states that: "To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time."

The current scheme proposes 100% affordable housing provision and as such complies with CS7 'Housing Mix and Affordability' and the advice within the NPPF.

Other issues raised by objectors

It is noted that local residents also raised concerns about noise and disturbance during the construction phase. This is noted and it is considered that if planning permission was granted in respect of the development then an informative could be appended regarding working practices during construction. One resident considers that existing properties should be provided with off-road parking provision, though this would not be reasonable in this instance and in any event the level of parking provision proposed for the development is considered to be acceptable.

Conclusion

The new residential use of the land is considered acceptable in principle subject to an appropriate financial contribution towards improving off site Urban Greenspace. The proposed development would provide valuable affordable housing, designed to a high standard, which reflects the character and appearance of adjoining properties and would contribute to existing shortfall in housing provision in the Borough.

The scheme would not lead to an adverse effect on the residential amenities of adjoining occupiers by way of overlooking or overshadowing, nor would it be unduly

affected by external noise. Furthermore the scheme would not be detrimental in highway safety terms.

It is therefore recommended that permission be granted subject to the signing of the related S106 Legal Agreement and the suggested conditions as set out below.

Recommendation

(A) That the Council enter into a Legal Agreement with the applicant to secure the contribution of £4,200 towards improvements to existing Urban Greenspace in the vicinity.

(B) Subject to the signing of the Legal Agreement, planning permission be granted subject to the following Conditions:

Conditions

01

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

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Amended Drawing numbers, (02)002,003,010,011,012,020,021,022,023,024,025,026,027,030,031,032,033,034,035, 036,037,040)(received 2/02/2015)

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be: Russell Galloway (slate grey) roof tiles, Red Multi Stock bricks & Hanson Clumber Buff bricks. The development shall thereafter be carried out in accordance with these details.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with CS28 'Sustainable Design'.

04

Landscaping of the site as shown on the approved plan (drawing no.4929.01) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be

carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

05

No tree shall be cut down, uprooted or destroyed nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work).

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 UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

06

If any tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

07

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

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

08

Details of the proposed improvements to Aston Close (widening of the carriageway, provision of a footway and a turning head) as indicated in draft form on Drg No

370/44(02)003 shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of a dwelling.

Reason

To ensure an adequately laid out highway in the interests of highway safety.

09

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 and in accordance with UDP Policy HG5 'The Residential Environment'.

10

Road sections, constructional and drainage details shall be submitted to and approved by the Local Planning Authority, and the approved details shall be implemented before the development is completed.

Reason

No details having been submitted they are reserved for approval.

11

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

Reason

In order to promote sustainable transport choices.

12

In the event that during development works unexpected significant contamination is encountered at any stage of the process, the local planning authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Authority. Works thereafter shall be carried out in accordance with an approved Method Statement. This is to ensure the development will be suitable for use and that identified contamination will not present significant risks to human health or the environment.

Reason

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

13

Prior to occupation if subsoils / topsoils are required to be imported to site for garden areas, 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. The results of any chemical testing will need to be presented in a Validation Report.

Reason

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

14

The bat and bird mitigation measures set out in the submitted Ecology report (ECUS, December 2014), shall be undertaken prior to the dwellings being occupied.

Reason

In the interest of ecology.

15

All the dwellings hereby approved shall be constructed as affordable houses only as defined by Annex 2 of the NPPF.

Reason

The application has been determined on the basis that the development is to be constructed as 100% affordable housing.

Informatives

INF 25 Protected species

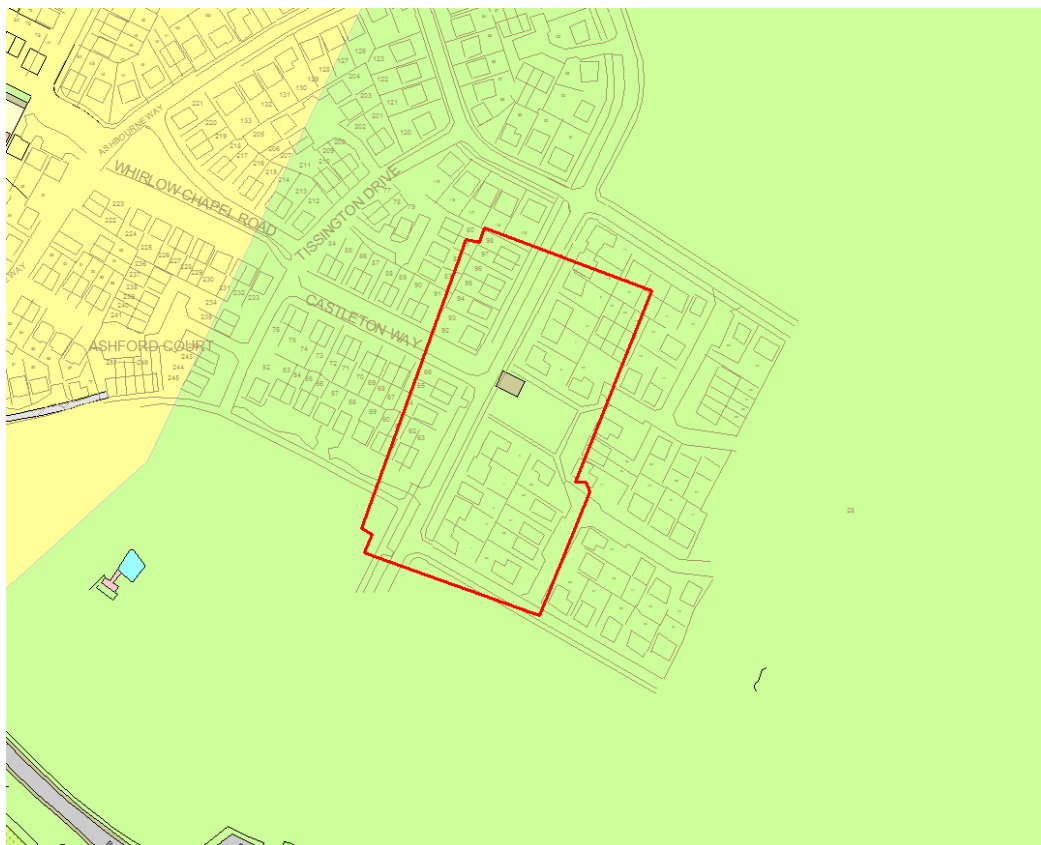
Wildlife Legislation

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

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2014/1591
Proposal and Location	Variation of Condition 2 (approved plans) to substitute house types on plots 28 to 32 from a single terrace of 5 dwellings to a terrace of 3 dwellings and 1 pair of semi-detached dwellings and removal of condition 4 (details of the bin store) imposed by RB2013/1145 at Waverley New Community, Orgreave Road, Waverley, S60 8FB
Recommendation	Grant subject to conditions



Site Description & Location

The application site relates to a small part of the larger residential development that is currently under construction on the Waverley site. The application site is within an existing residential estate, and this section is being developed by the applicants Barratt David Wilson Homes. Some of the surrounding properties are complete, whilst others are under construction, or awaiting construction.

Background

RB2008/1372: Outline application with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary

schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting). - GRANTED CONDITIONALLY on 16/03/2011

RB2011/1296: Application under S73 for the continuation of outline application with all matters reserved except for the means of access for a new community comprising residential (3890 units) commercial development (including office, live/work, retail, financial and professional services, restaurants, snack bars and cafes, drinking establishments, hot food takeaways, entertainment and leisure uses and a hotel) and open space (including parkland and public realm, sport and recreation facilities), together with 2 no. 2 form entry primary schools, health, cultural and community facilities, public transport routes, footpaths, cycleways and bridleways, landscaping, waste facilities and all related infrastructure (including roads, car and cycle parking, gas or biofuel combined heat and power generation plant and equipment, gas facilities, water supply, electricity, district heating, telecommunications, foul and surface water drainage systems and lighting) with variation to Conditions 5, 6, 17, 18, 29 (imposed by RB2008/1372) - GRANTED CONDITIONALLY on 30/11/2011

RB2012/1428: Continuation of outline application with all matters reserved except for the means of access for a new community comprising residential (3890) units commercial – GRANTED CONDITIONALLY 26/04/2013

RB2013/1145: Details of the erection of 54 dwellings (reserved by Outline RB2012/1428) – GRANTED CONDITIONALLY 27/11/2013

RB2014/0775: Application under Section 73 for a minor material amendment to vary conditions 01-06, 08, 12-15, 18, 19, 25, 33, 35, 43, 44, 47 and 48 imposed by RB2012/1428 (Outline application for Waverley New Community) including alterations to the Design & Access Statement & Parameter Plans, the Surface Water Strategy, and with an increase in the trigger points for the submission of an alternative transport scheme to the Bus Rapid Transit and for improvements to the B6066 High Field Spring/Brunel Way – GRANTED CONDITIONALLY 29/09/2014

Proposal

The application is made under Section 73 of the Town and Country Planning Act and seeks to amend the approved plans to enable a substitution of house types affecting plots 28 to 32. The approved plans show a row of 5 properties in a single terrace, whereas the amended plan seeks to change this to a terrace of 3 and 1 pair of semi-detached properties.

The application also seeks to remove Condition 4 of planning approval RB2013/1145 which requires details of the communal bin store adjacent to Plot 28 to be submitted and approved prior to the commencement of development. The substitution of house types enables access to the rear of all plots; therefore the communal bin store is no longer required.

Amendments are also sought to the previously approved landscape scheme to include the removal of trees located at the back of Highfield Square fronting plots 23, 24, 40 and 41. This is necessary due to the location of a sewer easement which sterilises this area.

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 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated as white land in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS1 'Delivering Rotherham's Spatial Strategy'
CS2 'Delivering Development on Major Sites'
CS21 'Landscape'
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):

HG5 'The Residential Environment'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

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

South Yorkshire Residential Design Guide (SYRDG)

The South Yorkshire Residential Design Guide has been adopted by Barnsley, Doncaster and Rotherham Councils. The guidance relates to issues of unit size, minimum room dimensions and amenity space.

Publicity

The application was advertised on site, 2 site notices were erected. No representations have been received.

Consultations

Urban Design acknowledges that the proposal will leave plot 30 with a smaller garden area and plot 28 with an impractical shaped rear garden, however this was also an issue with the approved layout and as such no objections are raised.

Streetpride (Landscape) raise no objections to the amended landscape plan subject to the imposition of a condition requiring the development to be carried out in accordance with this plan.

Affordable Housing Officer acknowledges that the request for the amendments has come from the Housing Association and as such no objections are raised.

Streetpride (Transportation) raise no objections to the proposal.

Streetpride (Ecology) have no comments to make on the application.

Environment Agency raise no objections.

Yorkshire Water have no comments to make on the application.

SYMAS has no objections to the proposal.

Appraisal

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

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

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

The main considerations in the determination of this application are:

Principle

The principle of residential development of the site has been established by previous permissions for residential development. The application proposes the substitution of house types and does not therefore seek to amend the fundamental outputs of the approved development. The proposals are therefore considered to be acceptable in principle.

Design and Visual Amenity

Policy CS28 of the Core Strategy aims to ensure that: Design should take all opportunities to improve the character and quality of an area and the way it functions.”

This is further emphasised in Paragraph 56 of the NPPF which states that “The Government attached great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

The plots to which this application relates are the affordable housing units and consisted of a terrace of 5 properties with a communal bin store adjacent to plot 28. Following consultation with Great Places Housing Group, who are the affordable housing provider on this site, concerns were raised relating to the maintenance of the bin store as instances have occurred in the past where residents have avoided ownership and responsibilities towards these spaces, resulting in neglected areas. It was therefore considered that the best solution would be to provide separate bin spaces to individual plots, where residents are responsible for their own disposal.

As a consequence of the above, the proposal comprises the substitution of house types to reduce the terrace of 5 dwellings to 3 and erect a pair of semi detached dwellings along the same building line. The design and external appearance of the individual dwellings do not differ significantly from those previously approved and still comprise of two storey properties accommodating 3 bedrooms in each which would be in keeping with the wider development.

In terms of the revised siting of the dwellings, access to the rear of each has resulted in the communal bin store, originally shown adjacent to plot 28 no longer being required. This area, albeit slightly smaller due to the re-siting of the dwellings, will now form part of Plot 28's curtilage.

Having regard to the above it is considered that the proposed dwellings would not have a detrimental effect on the visual amenities of the area and would successfully assimilate with the surrounding approved development. Consequently the proposal makes a positive contribution to the environment by achieving an appropriate standard of design in accordance with UDP Policy HG5, Core Strategy Policy CS28 and paragraph 56 of the NPPF.

Residential Amenity

UDP Policy HG5 'The Residential Environment,' states that: "The Council will encourage the use of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment and provide a more accessible residential environment for everyone."

The NPPF states at paragraph 17 that within the overarching roles that the planning system ought to play is a set of core land-use planning principles that should underpin both plan-making and decision-taking. Amongst these 12 principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and building.

The proposal to amend the house types on Plots 28 to 32 results in a small alteration to the siting of the dwellings. This re-arrangement has become necessary in order to gain pedestrian access to the rear of all plots. The resulting factor is a reduction in the garden areas of plots 28 and 30, which at approximately 40sq.m falls below the 60sq.m guideline set out in the SYRDG. This reduction in area is regrettable, however it is considered that the provision of a pedestrian access to the rear of all properties will improve the living conditions of future residents and on that basis outweigh the need for larger garden areas. Additionally, the approved layout (RB2013/1145) provides garden areas of approximately 48sq.m, therefore a further reduction of 8sq.m is not considered to be significant and will not have an adverse impact on the scheme as a whole.

In view of the above, it is considered that the substitution of house types will not result in a material adverse impact on the residential amenities of future residents.

Landscape

The application also seeks to make amendments to the previously approved landscape plan. The amendments relate to the removal of 3 trees along the back edge of Highfield Square fronting Plots 28, 29, 40 and 41. This has become necessary due to the location of a sewer easement which sterilises this area. The Council's landscape architect has assessed the proposals in line with the requirements of the Design Code and whilst there is clearly a reduction in tree numbers in this area, the overall level of landscaping proposed across the site as a whole is considered to be acceptable and in full accordance with the approved Design Code for this phase of development.

Having regard to the above, it is considered that sufficient landscaping and green infrastructure has been proposed within this phase of the development to contribute to the appearance of the Waverley development as a whole.

Highways Issues

No amendments to the originally approved highway layout arrangements are proposed and all dwellings comply with the Council's minimum residential car parking standards. It is not considered that there would be a material impact on highway safety subject to conditions.

Conclusion

The principle of the residential development of this site was established under outline application RB2012/1428, and details previously approved under RB2013/1145.

By virtue of their size, scale, form, design, massing, siting and materials the amended house types would not have a detrimental effect on the visual amenities of the local area and would successfully assimilate with the surrounding approved developments. Consequently the proposed development makes a positive impact on the environment by achieving an appropriate standard of design in accordance with Core Strategy Policy CS28, UDP Policy HG5 and Paragraph 56 of the NPPF.

The amended house types, whilst not achieving the recommended area for private amenity spaces are considered acceptable and will not result in a material adverse impact on the residential amenities of future residents.

Furthermore, the proposed development indicates acceptable levels of car parking and is sited within a sustainable location. It is not considered that there would be any impact on highway safety.

Conditions

GENERAL

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) except as shall be otherwise agreed in writing by the Local Planning Authority.

Site Location Plan Ref P13:4741:02 Rev 0 dated August 2013

Technical Layout Ref. WD-TD/01 Rev B

Streetscene Plan received 05/11/2013

Proposed Boundary Treatments Ref P13:4741:04 Rev 0 dated August 2013

Landscape Masterplan to Phase D Ref: R/1303/7c

Planting Details to Shrub Bed Mrs, S1 to S24 & Spec Information Ref: R/1303/8c

Planting Details to Shrub Bed Mrs, S25 to S47 Ref: R/1303/9b

House Types

Plans and Elevations Alnwick Contemporary (AS) Ref P13:4741:39 Rev 0 dated November 2013

Plans and Elevations Alnwick Contemporary (OP) Ref P13:4741:40 Rev 0 dated November 2013

Plans and Elevations Woodbridge Ref P13:4741:41 Rev 0 dated November 2013

Plans and Elevations Lincoln (AS) Ref P13:4741:37 Rev A dated July 2013

Plans and Elevations Lincoln (OP) Ref P13:4741:38 Rev 0 dated July 2013

Plans and Elevations Alnwick (OP) Render Ref P13:4741:36 Rev 0 dated July 2013

Plans and Elevations Alnwick (AS) Render Ref P13:4741:35 Rev 0 dated July 2013

Plans and Elevations Cambridge (OP) Render Ref P13:4741:34 Rev 0 dated July 2013

Plans and Elevations Cambridge (AS) Render Ref P13:4741:33 Rev 0 dated July 2013

Plans and Elevations Chesham (OP) Render Ref P13:4741:32 Rev 0 dated July 2013

Plans and Elevations Chesham (AS) Render Ref P13:4741:31 Rev 0 dated July 2013

Plans and Elevation Falmouth (OP) Ref P13:4741:30 Rev 0 dated July 2013

Plans and Elevations Falmouth (AS) Ref P13:4741:29 Rev 0 dated July 2013

Plans and Elevations Lincoln (OP) Ref P13:4741:28 Rev 0 dated July 2013

Plans and Elevations Lincoln (AS) Ref P13:4741:27 Rev 0 dated July 2013

Plans and Elevations Lincoln (AS) Plot 39 Ref P13:4741:37 Rev B dated July 2013

Plans and Elevations Alston (OP) Ref P13:4741:26 Rev 0 dated July 2013

Plans and Elevations Alston (AS) Ref P13:4741:25 Rev 0 dated July 2013

Plans and Elevations Kennington (OP) Ref P13:4741:24 Rev 0 dated July 2013

Plans and Elevations Kennington (AS) Ref P13:4741:23 Rev 0 dated July 2013

Plans and Elevations Finchley (OP) Ref P13:4741:22 Rev 0 dated July 2013

Plans and Elevations Plots 30-32 Ref: 2010/FIN/C-A/02

Plans and Elevations Cambridge (OP) Ref P13:4741:18 Rev 0 dated 2013

Plans and Elevations Cambridge (AS) Ref P13:4741:17 Rev 0 dated July 2013

Plans and Elevations Chesham (OP) Ref P13:4741:16 Rev 0 dated July 2013

Plans and Elevations Chesham (AS) Ref P13:4741:15 Rev 0 dated July 2013

Garage Details Ref P13:4741:05 Rev 0 dated August 2013

Engineering Drawings

Road & Sewer Longsections Sheet 1 of 3, Dwg No. 40-02-01 Rev P6

Road & Sewer Longsections Sheet 2 of 3, Dwg No. 40-02-02 Rev P6

Road & Sewer Longsections Sheet 3 of 3, Dwg No. 40-02-03 Rev P6

Reason

To define the permission and for the avoidance of doubt.

02

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details approved under Ref: RB2014/0043. The development shall thereafter be carried out in accordance with these details.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Core Strategy Policy CS28 'Sustainable Design'.

03

The window into the northern elevation of Plot 39 serving Bedroom 1 facing towards Plot 38 shall be obscurely glazed and fitted with glass to a minimum industry standard of Level 3 obscured glazing and be non-openable, unless the part(s) of the window(s) which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window(s) shall be permanently retained in that condition thereafter.

Reason

In the interests of the amenities of the occupiers of adjoining properties.

TRANSPORTATION

04

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

05

Before the development is brought into use the car parking area shown on the site layout plan Dwg No. P13:4741:01 Rev E shall be provided, marked out and thereafter maintained for car parking.

Reason

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

06

All garages hereby permitted shall be kept available for the parking of motor vehicles at all times.

Reason:

In order to ensure that adequate parking provision is available and to minimise on-street parking, in the interests of visual amenity and highway safety.

07

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.

Reason

In order to promote sustainable transport choices.

08

Prior to the occupation of any of the following plots - 43, 44, 45, 46 or 47, the temporary turning head indicated on Drg No. P13:4741:01 Rev D shall be provided and maintained at all times until the provision of an approved future extension to the highway has been implemented.

Reason

In the interests of Highway Safety.

09

No garage door shall be fitted to the carports on plots 1, 2, 4, 5, 6, 7, 8, 9, 10 and 11.

Reason

In the interests of Highway Safety

DRAINAGE

10

The development hereby approved shall be carried out in accordance with the Flood Risk Assessment Addendum dated 2nd May 2013 by White Young Green (Ref:A042756-14 Revision A).

Reason

In the interest of satisfactory and sustainable drainage

11

The disposal of foul and surface water drainage shall be carried out in accordance with information contained on drawing 40-01 (revision P11) dated 02.04.2014 and E/602 (revision A) dated 23.10.2014 that have been prepared by RSK Land & Development Engineering Ltd

Reason

To ensure that the development can be properly drained in accordance with UDP policy ENV3.7 'Control of Pollution'.

GROUNDWATER / CONTAMINATION AND GROUND CONDITIONS

12

Gas membrane measures shall be implemented in accordance with information contained within document GDB10 'Gas Membrane Specification'.

Reason

To ensure that risks from land contamination to the future users of the land and neighboring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

13

Installation of the gas protection measures approved as a result of condition 13, is to be verified by an independent third party and a validation report is to be forwarded to this Local Authority for review and comment.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

14

If subsoil and topsoil imported to site for landscaping works and garden areas, then these soils shall be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination. If materials are imported to the site then the results shall thereafter be presented to the Local Authority in a Validation Report.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

15

If during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out in the vicinity of the impact until the development has submitted and obtained written approval from the Local Planning Authority for a strategy detailing how this unsuspected contamination shall be dealt with.

Reason

To ensure that risks from land contamination to the future users of the land and neighboring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbors and other offsite receptors. In accordance with UDP Policy ENV3.7 'Control of Pollution'.

ENVIRONMENTAL

16

Throughout the construction phases of development and except in cases of emergency, no operation that is likely to give rise to noise nuisance or loss of amenity shall take place on site other than between the hours of 0730 to 1800 Monday to Friday and between 0800 to 1300 on Saturdays.

Operations which give rise to noise nuisance shall not be carried out on Sundays, Public Holidays or outside normal weekday working hours. At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

17

Throughout the construction phases of development all machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the best practicable means shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities.

Reason

In the interests of the amenity of the locality and in accordance with UDP Policy ENV3.7 'Control of Pollution'.

18

The development hereby approved shall be carried out in full accordance with information contained within document 'Pre-commencement Ecology Site Check and Schedule for Bird and Bat Box Erection ' dated January 2014.

Reason

In the interest of biodiversity at the site in accordance with Policies in the NPPF.

LANDSCAPE

19

Landscaping of the site as shown on the approved plans (FDA Landscapes Masterplan drawing no. R/1303/7C, Planting details drawing no's R/1303/8c & R/1303/9B) shall be carried out during the first available planting season after commencement of the development. Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced within the next planting season. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

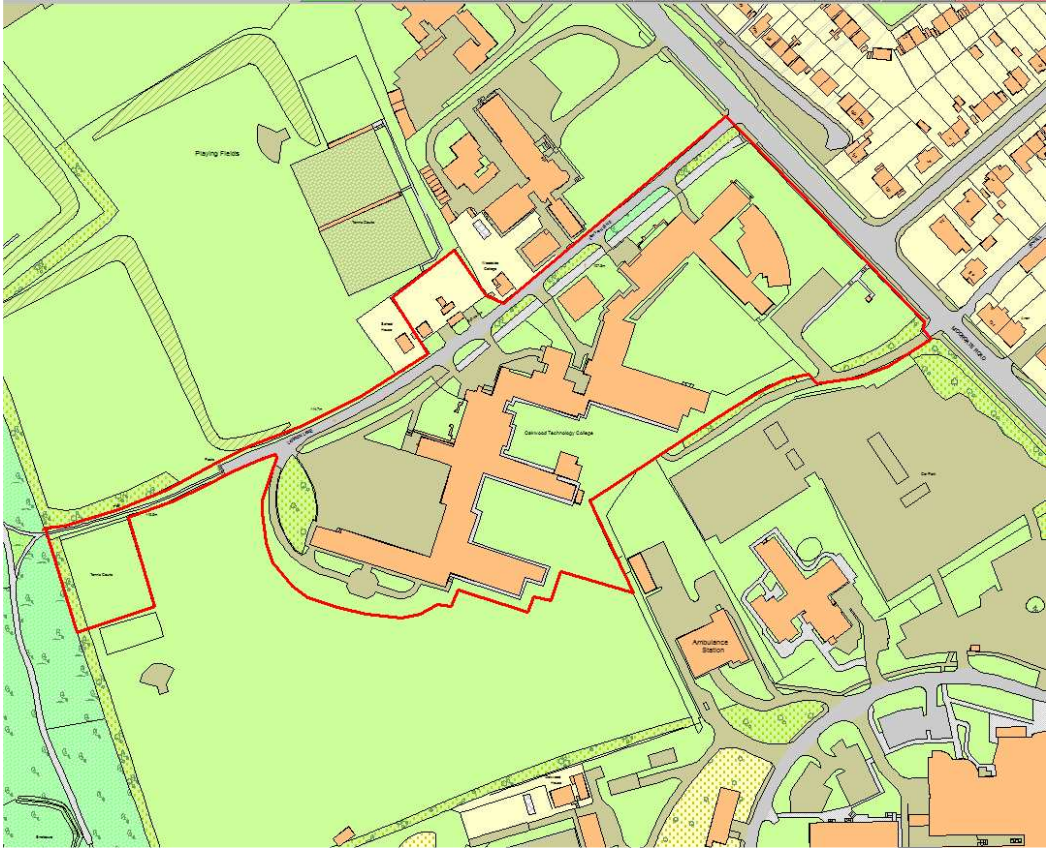
Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2014/1629
Proposal and Location	Application to vary Conditions 03, 11, 13, 15, 20 and 22 imposed by RB2014/1083 at Oakwood High School, Moorgate Road, Moorgate, S60 2UH
Recommendation	Grant subject to conditions



Site Description & Location

The application site lies on Moorgate Road in the Moorgate district of Rotherham, about 2km south east of the town centre and 3km to junction 33 of the M1.

To the north and east the site is surrounded by residential suburbs. The school grounds are irregularly shaped, extending south westwards from Moorgate Road with residential and further college buildings to the North West and Rotherham General Hospital to the south east. The open land of Boston Park and Canklow Woods lies to the south west with ground level tending to rise gently north east to south west across the site then falling beyond the site boundary to the River Rother, about 1km distant. The existing buildings lie in the central part of the grounds with playing fields to the north and south.

The overall site has an area of approximately 11.14 hectares, consisting of grassed areas, car parking, school buildings, hard surface play and circulation areas and playing fields. A Public Right of Way runs along Lawton Lane.

The existing buildings are located in the central part of the site with playing fields to the north and south. The school playing fields are located within green belt land, the boundary of which extends within close proximity of the footprint of the existing school buildings.

The existing school buildings straggle across the site in a series of 1 and 2 storey linear blocks facing Lawton Lane and forming three sided courtyards, open towards the south-east facing Rotherham General Hospital site. The buildings are situated at various levels, linked by small buildings and corridors. The original buildings have been updated and modernised over their lifetime.

The school was opened in 1952 and up until recently a swimming pool also stood on the site fronting Moorgate Road.

Background

There have been a number of planning applications relating to this site. The most recent and relevant of which is:

RB2014/1083 – Demolition of existing school buildings and erection of 2/ 3-storey school building with associated parking, hardstanding and landscape works – Granted conditionally

RB2014/1650 – Discharge of conditions 06, 09, 14, 16, 17, 18, 19 and 21 imposed by planning application RB2014/1083 – Still under consideration.

It is of note that with regard to the discharge of condition application, some of the information submitted is acceptable, further information is required to satisfy other conditions and a consultee response is still required in respect of another. A letter has been sent to the applicant outlining this.

Screening Opinion

The proposed development falls within the description contained at paragraph 10b of Schedule 2 to the 2011 Regulations and meets the criteria set out in column 2 of the table in that Schedule. However the Local Planning Authority, having taken into account the criteria set out in Schedule 3 to the 2011 Regulations, is of the opinion that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Further details of the Screening Opinion are attached.

Accordingly the Local Planning Authority has adopted the opinion that the development referred to above for which planning permission is sought is not EIA development as defined in the 2011 Regulations.

Proposal

The original application was for the demolition of the existing school buildings and the construction of a new school.

The application was approved by Members on 6 November 2014.

The current application is seeking alterations to the wording of several conditions attached to RB2014/1083. The plans approved under RB2014/1083 are not being altered.

The conditions which the applicant wishes to amend are 03, 11, 13, 15, 20 and 22 of RB2014/1083. All the conditions originally specified that information had to be submitted to the Council prior to the commencement of development, which also includes demolition works.

However, as the development was being built out in phases, insofar as the front of the school where the new build was to be sited was due to be demolished first and then the new school built before the back of the school was to be demolished, the applicant has requested that the conditions be varied so that the requirement for information to be submitted was also phased in respect of the development.

The applicant has put forward the following wording for the variation of the several conditions:

Condition 03

Prior to the construction of the school hereby approved details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples.

Condition 11

Prior to the school hereby approved being first occupied, 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 of new and replacement planting and trees.
- 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.

Condition 13

Within 6 months of commencement of works on site, a biodiversity mitigation and enhancement strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Condition 15

Prior to the commencement of demolition of the area containing the bat roost shown by the red dot within the yellow highlighted area on drawing SK-PL-BAT-001 the Local Planning Authority will be provided with either:

- i) A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the development to go ahead; or
- ii) A statement in writing from Natural England to the effect that it does not consider that the development will require a licence.

Condition 20

Prior to the use of imported subsoil's / topsoil's required for remedial works, please agree the test information, rate and frequency of testing with the Local Authority in writing to ensure any imported subsoil's / topsoils are free from contamination.

Condition 22

Within 3 months of commencement of works on site please submit a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, to be approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100yr critical storm (plus an allowance for climate change) will reduce the run-off from the undeveloped site by a minimum of 30% following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- a maintenance regime for the lifetime of the development

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan (UDP).

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

Core Strategy policy(s):

CS21 'Landscape'
CS28 'Sustainable Design'
CS29 'Community and Social Facilities'

Unitary Development Plan 'saved' policy(s):

T8 'Access'
CR1.5 'Community Facilities'
ENV3.2 'Maintaining the Quality of the Environment'
ENV3.4 'Trees, Woodlands and Hedgerows'
ENV3.7 'Control of Pollution'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Core Strategy / Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of a site and press notice, while neighbouring properties have been notified in writing. No objections have been received.

Consultations

Streetpride (Transportation and Highways): Have no objections to the variation of conditions.

Streetpride (Ecology): Accept and support the reasoning behind the request to delay the provision of the biodiversity mitigation strategy as required by condition 13 and support the request for the delay in the submission of detailed landscape scheme (condition 11) to be reduced to within 6 months of works commencing.

They state that the additional documents for condition 15 are acceptable and recommend that the condition should be amended to:

“Prior to the second phase of demolition, as detailed in the Bat Mitigation Strategy (Quants Environmental, December 2014) and accompanying ‘Kier Bat Potential Drawing Showing Demolition Phases’, the Local Planning Authority will be provided with either:

- i) A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the development to go ahead; or*
- ii) A statement in writing from Natural England to the effect that it does not consider that the development will require a licence.”*

Streetpride (Drainage): Have no objections to the rewording of the condition proposed.

Streetpride (Landscape): Have some concerns over the proposed revised timescales for the submission of the Landscape scheme under condition 11 but suggest that they would accept the timescale being extended in line with that proposed for condition 13 – Biodiversity enhancements which is within 6 months of commencement of works on site.

Neighbourhoods (Land Contamination): Have no objections to varying the wording of condition 20.

Appraisal

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

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

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

Planning permission has been granted for the overall development and this permission expires in November 2017, therefore issues surrounding principle, design, siting, layout, landscape, ecology, highways and amenity are considered to be acceptable.

This application is seeking to vary the wording of conditions 03 (sample materials); 11 (landscape scheme); 13 (biodiversity mitigation and enhancement strategy); 15 (Natural England authorisation); 20 (importation of subsoil's / topsoil's) and 22 (surface water drainage scheme) to alter when the information is to be submitted.

Originally the conditions attached to RB2014/1083 required the information to be submitted prior to the commencement of development. Section 55 of the Town and County Planning Act 1990, as amended states: "Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land." It further states that "building operations" includes, amongst other things, demolition of buildings.

The applicant has therefore stated that they wish to vary the prefix of some conditions so that the information wouldn't have to be submitted for discharging until later on in the scheme as the requirement within the conditions does not need approval before the demolition phase of the development which is imminent.

The remainder of this report will consider the applicant's request and provide an assessment as to whether the variation proposed is acceptable and would not prejudice the implementation of the scheme.

Condition 3 (Sample Materials)

Condition 3 required details of the external materials to be used in the construction of the school to be submitted prior to commencement of development.

The applicant has indicated that the materials could be agreed further on in the development of the school; before the school is to be constructed rather than before part of the existing school is to be demolished. The applicant has further stated that the submission of these details at a later stage would not affect the development and would ensure that there is no delay in the demolition of the school which will help to ensure that the development is carried out within the applicant's set timeframe.

It is considered that this condition is not a condition precedent and does not go to the heart of the permission; therefore its variation is acceptable and appropriate. Accordingly, the Council consider that the details in respect of the external materials can be submitted prior to the construction of the school and the condition can be varied to:

"Prior to the construction of the school hereby approved details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details/samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details/samples."

Condition 11 (Landscape scheme)

Condition 11 required details of a landscape scheme to be submitted to, and approved by the Council prior to commencement of development.

The condition required the submission of various information including the siting and extent of planting, the type of planting, changes in land levels, boundary treatment, planting plan, programme for implementation.

The applicant is seeking to vary the condition so that this landscape information is not submitted to the Council until prior to the school being first occupied. The applicant has indicated that until the whole of the existing school building is demolished then they do not know for definite what the final land levels will be and what the ground conditions will be like, which will dictate which sections of the land around the new school are soft and hard landscaped.

The Council's Landscape department have indicated that they have some concerns over the proposed revised timescales for the submission of the landscape scheme. They have indicated that the landscape proposals are not just a matter of enhancing the site's appearance; the bulk of the provision will likely be in mitigating the impact of existing tree loss and is required in order to make the development acceptable, furthermore there will also be an element of biodiversity enhancement delivered via the landscape scheme.

In light of the above, it was put to the applicant that a more appropriate timescale for submitting a landscape scheme would be within 6 months of commencement of works on site. A revised condition was sent to the applicant and they have agreed the alteration.

Therefore the Council have no objections to the wording of this condition being amended to:

"Within 6 months of commencement of works on site, 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 of new and replacement planting and trees.*
- 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."

Condition 13 (Biodiversity mitigation and enhancement strategy)

Condition 13 required the submission of a biodiversity mitigation and enhancement strategy prior to the commencement of the development.

The applicant has indicated that they wish to submit this information within 6 months of commencement of works on site, as the strategy would take some time to put together and implement.

The Council's Ecologist has indicated they accept and support the reasoning behind the request to delay the provision of the biodiversity mitigation strategy as required by condition 13.

In light of the above the Council consider that delaying the submission of this information is acceptable. Therefore the Council have no objections to the wording of this condition being varied to:

"Within 6 months of commencement of works on site, a biodiversity mitigation and enhancement strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed statement before the development is brought into use."

Condition 15 (Natural England authorisation)

Condition 15 required the submission of either a licence issued by Natural England authorising the development to go ahead in line with Regulation 53 of the Conservation of Habitats and Species Regulations 2010 or a statement from Natural England detailing that this development does not require a licence before works commence.

The applicant has provided a plan showing the area containing the bat roost and requested the condition be varied so that prior to commencement of demolition of the area highlighted on the submitted plan the licence or report from Natural England was submitted to the Council.

The Council's Ecologist indicated that they support the principle of the change to condition 15 but not the wording. The Ecologist stated in order to support any amendment to the wording of condition 15 a phased demolition plan indicating the presence of the known roosts and the presence of features with potential to support bat roosting should be submitted and the condition text to refer to phase 1 and phase 2 areas rather than just referring to the confirmed roost.

Information has been submitted by the applicant and the additional information provided the appropriate information required. A reworded condition was forwarded to the applicant who has agreed to it.

Therefore, the Council consider that the variation of this condition is acceptable in this instance and have no objections to the wording of this condition being amended to:

"Prior to the second phase of demolition, as detailed in the Bat Mitigation Strategy (Quants Environmental, December 2014) and accompanying 'Kier Bat Potential Drawing Showing Demolition Phases', the Local Planning Authority will be provided with either:

- i) *A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the development to go ahead; or*

- ii) *A statement in writing from Natural England to the effect that it does not consider that the development will require a licence.*”

Condition 20 (Imported subsoil's and topsoil's)

Condition 20 stated: *“Prior to development if subsoil's / topsoil's are required to be imported to site for remedial works, then these will need to be tested at a rate and frequency to be agreed with the Local Authority to ensure they are free from contamination.”*

The applicant has requested that this condition be varied so that if subsoil's / topsoil's are required, the test information, rate and frequency of testing is agreed with the Local Authority prior to their use.

The Council agree that this condition can be varied as requested by the applicant as the Council consider that this condition is not a condition precedent. Furthermore, the importation of soil's to the site might not be required and if they are then they might not know until later on in the development process. Accordingly, the Council would have no objections to the wording of this condition being amended to:

“Prior to the use of imported subsoil's / topsoil's required for remedial works, please agree the test information, rate and frequency of testing with the Local Authority in writing to ensure any imported subsoil's / topsoil's are free from contamination.”

Condition 22 (Surface water drainage scheme)

Condition 22 required the submission of a surface water drainage scheme prior to development being commenced on site.

The Council consider that this condition is not a condition precedent and as such they are no objections to the varying of the condition as requested by the applicant. Accordingly, the Council would have no objections to the wording of this condition being amended to:

“Within 3 months of commencement of works on site please submit a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, to be approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100yr critical storm (plus an allowance for climate change) will reduce the run-off from the undeveloped site by a minimum of 30% following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- *a maintenance regime for the lifetime of the development.”*

Other considerations

It is of note that as a result of the current discharge of condition application (RB2014/1650) some of the conditions attached to RB2014/1083 which do not form part of this application have been discharged.

For instance, condition 16 attached to the original application required the submission of an intrusive investigation and subsequent risk assessment. This information has been submitted and the Council's Land Contamination Officer is satisfied with the information. Therefore it has been removed from the list of conditions attached to this permission.

Furthermore, there is no requirement on this application to impose a new three year time limit condition, as the three year period for implementing the permission is from the original application (RB2014/1083). Accordingly, the applicant has until November 2017 to implement the permission.

For instance, condition 9 attached to the original application stated: *"All tree works shall be carried out in accordance with B.S.3998: 2010. The schedule of all tree works shall be approved by the Local Planning Authority before any work commences and no tree work shall commence until the applicant or his contractor has given at least seven days' notice of the intended starting date to the Local Planning Authority. The authorised works should be completed within 2 years of the decision notice otherwise a new application for consent to carry out any tree work will be required."* The information has been submitted to the Council under the discharge of condition application (RB2014/1650) and the Council's Trees and Woodlands department have agreed the information is satisfactory to discharge the condition. Therefore an amended condition shall be added to this application which states:

"All tree works shall be carried out in accordance with B.S.3998: 2010. The schedule of all tree works shall be in accordance with the details submitted and agreed under RB2014/1650 and no tree work shall commence until the applicant or his contractor has given at least seven days' notice of the intended starting date to the Local Planning Authority. The authorised works should be completed within 2 years of the date of the decision on RB2014/1083 otherwise a new application for consent to carry out any tree work will be required."

Furthermore condition 10 of RB2014/1083 stated: *"No work or storage on site shall commence until a schedule for the regular inspections of the trees on site and timeframe for submitting subsequent reports as part of a watching brief have been submitted to and approved in writing by the Local Planning Authority. Once the schedule for site inspections has been agreed, the appointed Arboriculturist Consultant shall submit the relevant reports to the Council for consideration within the timeframe agreed."* The schedule has been submitted to the Council under the discharge of condition application (RB2014/1650) and the Council's Trees and Woodlands department have agreed the information is satisfactory to discharge the condition. Therefore an amended condition shall be added to this application which states:

"The appointed Arboriculturist Consultant shall submit the relevant reports in respect of the regular tree inspections as detailed in the schedule submitted to and approved by the Council under RB2014/1650 for consideration by the Council within the agreed timeframe."

Additionally, condition 14 on the original proposal required the submission of a bat mitigation strategy before works commence and shall thereafter be implemented in accordance with the agreed statement before the development is brought into use. The strategy has been submitted as part of the discharge of condition application and the Council's Ecologist has confirmed the information is acceptable and thus the condition

can be discharged. Therefore this condition also needs to be varied so that the strategy is implemented in accordance with the approved details before the development is brought into use. Accordingly, this condition will be altered to read:

“The requirements detailed within the Bat Mitigation Strategy produced by Quants Environmental Ltd, December 2014 which was submitted and discharged under planning application RB2014/1650 shall be implemented in accordance with the approved details before the development is brought into use.”

Conclusion

Having regard to the above it is concluded that the proposed variation of conditions would still ensure that the development complies with the relevant sections of the NPPF, policies of the Core Strategy and UDP. Therefore, the current application for the rewording of several conditions attached to RB2014/1083 is recommended for approval subject to conditions.

Conditions

01

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

BDP-01(PL)AE-100 B, received 13 October 2014
BDP-01(PL)AE-101 B, received 13 October 2014
BDP-01(PL)AP-100 B, received 10 October 2014
BDP-01(PL)AP-101 B, received 10 October 2014
BDP-01(PL)AP-102 B, received 10 October 2014
BDP-01(PL)AP-103 B, received 10 October 2014
BDP-01(PL)AS-103 B, received 10 October 2014
BDP-01(PL)AS-104 B, received 10 October 2014
OAK_CP_94_002 B, received 9 October 2014
OAK_PL_00_001 PO1, received 8 August 2014
OAK_PL_00_002 PO1, received 8 August 2014
BDP-01(PL)AS-10, received 8 August 2014
BDP-01(PL)AS-105 A, received 8 August 2014
BDP-01(PL)AP-002, received 8 August 2014
2.5.10 A, received 8 August 2014

Reason

To define the permission and for the avoidance of doubt.

02

Prior to the construction of the school hereby approved details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted or samples of the materials have been left on site, and the details / samples have been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details / samples.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with policy CS28 'Sustainable Design' of the adopted Rotherham Core Strategy.

03

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 and in accordance with UDP Policy HG5 'The Residential Environment'.

04

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

Reason

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

05

The measures contained within the travel plan dated July 2014 shall be fully implemented during the lifetime of the development. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the travel plan following submission of progress performance reports as time tabled in the monitoring strategy.

Reason

In interests of sustainable transport.

06

No tree shall be cut down, uprooted or destroyed nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning works approved shall be carried out in accordance with British Standard 3998 (Tree Work).

If any tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate area and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the area and in accordance with accordance with Policies CS21 'Landscapes' and CS28 'Sustainable Design' of the adopted Rotherham Core Strategy.

07

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. This shall be positioned in accordance with the submitted Tree Retention & Removal/ Protection Plan Drawing No OAK-CP-94-001 dated, September 2014. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with Policies CS21 'Landscapes' and CS28 'Sustainable Design' of the adopted Rotherham Core Strategy.

08

All tree works shall be carried out in accordance with B.S.3998: 2010. The schedule of all tree works shall be in accordance with the details submitted and agreed under RB2014/1650 and no tree work shall commence until the applicant or his contractor has given at least seven days' notice of the intended starting date to the Local Planning Authority. The authorised works should be completed within 2 years of the date of the decision on RB2014/1083 otherwise a new application for consent to carry out any tree work will be required.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with Policies CS21 'Landscapes' and CS28 'Sustainable Design' of the adopted Rotherham Core Strategy.

09

The appointed Arboriculturist Consultant shall submit the relevant reports in respect of the regular tree inspections as detailed in the schedule submitted to and approved by the Council under RB2014/1650 for consideration by the Council within the agreed timeframe.

Reason

To ensure the tree works are carried out in a manner which will maintain the health and appearance of the trees in the interests of the visual amenities of the area and in accordance with Policies CS21 'Landscapes' and CS28 'Sustainable Design' of the adopted Rotherham Core Strategy.

10

Within 6 months of commencement of works on site, 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 of new and replacement planting and trees.
- 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 Policies CS21 'Landscapes' and CS28 'Sustainable Design' of the adopted Rotherham Core Strategy.

11

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Policies CS21 'Landscapes' and CS28 'Sustainable Design' of the adopted Rotherham Core Strategy.

12

Within 6 months of commencement of works on site, a biodiversity mitigation and enhancement strategy, including a schedule for implementation, shall be submitted to and approved by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the agreed statement before the development is brought into use.

Reason

To ensure minor ecological impact are mitigated for, in accordance with the NPPF and policy CS20 'Biodiversity and Geodiversity' of the adopted Rotherham Core Strategy.

13

The requirements detailed within the Bat Mitigation Strategy produced by Quants Environmental Ltd, December 2014 which was submitted and discharged under planning application RB2014/1650 shall be implemented in accordance with the approved details before the development is brought into use.

Reason

To ensure minor ecological impact are mitigated for, in accordance with the NPPF and policy CS20 'Biodiversity and Geodiversity' of the adopted Rotherham Core Strategy.

14

Prior to the second phase of demolition, as detailed in the Bat Mitigation Strategy (Quants Environmental, December 2014) and accompanying 'Kier Bat Potential Drawing Showing Demolition Phases', the Local Planning Authority will be provided with either:

- iii) A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the development to go ahead; or
- iv) A statement in writing from Natural England to the effect that it does not consider that the development will require a licence.

Reason

To ensure the protection of birds in accordance with the Wildlife and Countryside Act 1981.

15

Ground gas monitoring will be required to determine the ground gassing regime at low and falling atmospheric pressure conditions. As a minimum gas monitoring should be undertaken on 6 occasions over a period of 3 months. This will enable a current gas risk assessment to be undertaken, to determine if gas protection measures are required for the proposed development. If gas protection measures are required for the site, these will need to be agreed in writing by the Local Authority prior to development commencing.

Reason

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

16

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 commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

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

17

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

18

Prior to the use of imported subsoil's / topsoil's required for remedial works, please agree the test information, rate and frequency of testing with the Local Authority in writing to ensure any imported subsoil's / topsoil's are free from contamination.

Reason

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

19

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

Reason

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

20

Within 3 months of commencement of works on site please submit a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, to be approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100yr critical storm (plus an allowance for climate change) will reduce the run-off from the undeveloped site by a minimum of 30% following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- a maintenance regime for the lifetime of the development

Reason

To prevent the increased risk of flooding, both on and off site.

Informatives

01

The development should commence within 3 years of the date of the original planning permission RB2014/1083 – that is by 7 November 2017.

02

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court.

It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

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

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

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

03

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

04

The applicant is advised that access for appliances should be in accordance with Approved Document B, Volume 2, part B5, Section 16 and Water supplies should be in accordance with Approved Document B, Volume 2, part B5 section 15.

05

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

06

A mains connection has been proposed for foul drainage disposal. You are strongly advised to satisfy yourself, prior to determination, that there is capacity in both the receiving sewer and sewage treatment works to accommodate the discharge proposed. Please contact the sewerage undertaker, Yorkshire Water, to attain this information. If capacity is not available, an alternative means of foul drainage disposal may need to be explored or improvement works to resolve the capacity issue secured as part of the planning permission. If a non-mains solution is to be considered we should be re-consulted, prior to determination, and given the opportunity to comment further.

POSITIVE AND PROACTIVE STATEMENT

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

Application Number	RB2014/1666
Proposal and Location	Application to amend condition 02 (approved plans) imposed by RB2014/0835 (Demolition of existing buildings and erection of 10 No. dwellings) at Parkstone House Crowgate South Anston for Jones Homes (Northern Limited).
Recommendation	Grant subject to conditions



Site Description & Location

The application site comprises of a former residential care home known as Parkstone House which is set within large grounds. The care home itself consists of an original stone built building with a two storey brick addition which was built in the 1970's. The nursing home was closed in 2008 and all the windows and doors have been boarded up to prevent vandalism.

The site is accessed off Crowgate by a single width access road which is tree lined on both sides by mature trees. The access road serves two additional detached bungalows located adjacent to Parkstone House which were formally used to serve the nursing home and are now independent residential dwellings.

There are a number of mature trees within the site, and on all boundaries. To the north and east of the site are residential properties on Crowgate and Windsor Walk. To the south and west of the site are open fields which are within the Green Belt.

Background

Members may recollect that a full application (Ref RB2014/0070) was granted conditional approval on 25 April 2014 for the demolition of the existing buildings and erection of 10 No. dwellings.

A subsequent application (Ref RB2014/0835) was brought before Members on 28 August 2014 to remove two conditions relating to land contamination issues. That application was granted conditionally and now forms the relevant approval for this site.

Amongst the conditions attached to that approval was:

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 as shown on the approved plans (as set out below)

(Drawing numbers: KNGT-P-01, 2436-1-004, 1813AT/1 Topography Plan, 1813AT/1 Tree Constraints Plan, JHN/1150/500, LOUG-P-01, CON-P-01 and 2436-1-001 received 17/01/14, CON-P-01A received 14/03/14, HEN-P-01 received 02/04/14, HOL-P-02 received 03/04/14, CON-P-01B received 9 April 2014 and 2436-1-002 Rev Q, 2436-1-003 Rev G and 2436-1-005 received 10 April 2014).

Reason

To define the permission and for the avoidance of doubt.

All the other previous history relates to the use of the site as a residential care home.

As the site area is greater than 0.5 hectares, a screening opinion has been provided in respect of the requirement for an Environment Assessment. The proposed development falls within the description contained at paragraph 10b (Urban Development Projects) of Schedule 2 to the 2011 Regulations and meets the criteria set out in column 2 of the table in that Schedule (as the site exceeds 0.5 hectares). However the Local Planning Authority, having taken into account the criteria set out in Schedule 3 to the 2011 Regulations, is of the opinion that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

Proposal

The current application by Jones Homes (Northern Ltd) seeks to amend Condition 02 attached to the previous planning permission (ref RB2014/0835) in order to amend the plans as they relate to individual properties. The proposed changes are the result of a change to the company standard house types and involves minor changes to the design of the previously approved house types.

The changes relating to all the house types include replacing the splayed bay windows with square bays, minor alterations to the positions of doors and windows, alterations to the garage doors and a small increase in the height of the roof over the ground floor front projection

Plot specific alterations include;

- The Loughborough has been renamed the Latchford, and alterations specific to this house type are a reduction in the width and height of the front gable and alterations to the bay window over the garage.
- The Holborn, changes include the relocation of the garage doors from the front of the garage to the side of the garage.

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 'saved' policies from the Unitary Development Plan (UDP).

The development site for this application is allocated for residential purposes within the Rotherham Unitary Development Plan and is adjacent to the Green Belt to the west and south.

Core Strategy policy(s):
CS28 'Sustainable Design'

Unitary Development Plan 'saved' policy(s):
Policy ENV1.4 'Land adjacent to the Green Belt'
Policy ENV3.3 'Tree Preservation Orders'
Policy ENV3.4 'Trees, Woodlands and Hedgerows'
Policy HG4.3 'Windfall Sites'
Policy HG5 'The Residential Environment'

Other Material Considerations

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Core Strategy/Unitary Development Plan policy(s) referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been publicised by press advertisement, site notice and by neighbour notification. No letters of representation have been received.

Consultations

Streetpride (Transportation and Highways) Unit: Note from the submitted details that the proposed variations are not highway related. This being the case, they have no objections to the granting of planning permission in a highway context subject to all previous transportation / highway related conditions being retained.

Appraisal

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

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

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

This application seeks to amend condition 02 attached to the previous planning permission (ref RB2014/0835) which related the approved plans

The issues to be assessed in the determination of this application are;

- The principle of the proposal
- Visual amenity
- Residential amenity
- Impact on adjacent Green Belt

Principle

The principle of the development has already been assessed at length as part of the original approved application (RB2014/0070) and the proposal was considered to be acceptable at that time.

There have been no changes to the proposal or any relevant changes in legislation since that approval was granted and the principle of the development is therefore still considered to be acceptable.

Visual Amenity

With regard to design, Policy HG5: The Residential Environment states "The Council will encourage the use of best practice in housing layout and design in order to provide developments which enhance the quality of the residential environment and provide a more accessible residential environment for everyone."

Core Strategy Policy CS28 – Sustainable Design states that; "Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping."

The NPPF notes at paragraph 56 that: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Paragraph 64 adds that: “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

The National Planning Policy Guidance (March 2014), 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.”

The amended plans submitted show minor alterations to the design of the original 10 large detached dwellings. The proposed amendments are not considered to be detrimental to the visual amenity of the locality or the proposed streetscene and the proposed designs are considered to be acceptable.

The proposal is therefore considered to comply with UDP Policy HG5, the provisions of Policy CS28 Sustainable Design of the Core Strategy, as well as the advice contained within the NPPF and the National Planning Policy Guidance (NPPG).

The impact on neighbouring residential amenity:

The NPPF states that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. Amongst these 12 principles, it states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and building.

It is considered that there will be no impact on residential amenity arising from the proposed changes to the design of the house types.

The impact on the adjacent Green Belt:

Policy ENV1.4 ‘Land adjacent to the Green Belt’ states: “In areas adjacent to the Green Belt, development should be sympathetic to the visual amenity and environmental quality of the Green Belt.”

The site is bordered to the east and south by the Green Belt. Given the location of the dwellings and the retention of the trees surrounding the site it is considered that the design of the proposed dwellings would not result in any harm to the visual amenity of the adjacent Green Belt location and that the proposal would comply with Policy ENV1.4 of the Rotherham Unitary Development Plan.

Conclusion

In conclusion it is considered that the proposed changes to the individual house types would be acceptable and would provide an acceptable layout and design which would not cause harm to the residential amenity of the surrounding area or impact on the adjacent Green Belt, and would not result in harm to highway safety. As such it is considered that the application should be granted with conditions.

Conditions

01

The development hereby permitted shall be commenced before the expiration of three years from 25 April 2014.

Reason

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

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below) (Drawing numbers: KNGT-P-01, 2436-1-004, 1813AT/1 Topography Plan, 1813AT/1 Tree Constraints Plan, JHN/1150/500, 2436-1-001 received 17/01/14, 2436-1-002 received 02/04/14. and 2436-1-005 received 10 April 2014)

(Drawing numbers LAT-P-2.7-01 and CON-P-2.7-01B, CON-P-2.7-01A, CON-P-2.7-01, KNGT-P-2.7-01, HEN-P-2.7-01, HOL-P-2.7-02, 2436-1-002 Rev G, 2436-1-003 R received 22 December 2014)

Reason

To define the permission and for the avoidance of doubt.

03

The development shall not be brought into use until the proposed means of disposal of foul and surface water drainage has been carried out in accordance with the details submitted to the Local Planning Authority on 5 August 2014 plan ref JHN/150/501 Rev C and approved on 23 September 2014.

Reason

To ensure that the development can be properly drained in accordance with UDP policies ENV3.2 'Minimising the Impact of Development' and ENV3.7 'Control of Pollution'.

04

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

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

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

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

05

Before the development is brought into use the sight line indicated on Drg No 2436-1-002 Rev O 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.

06

The road sections, constructional and drainage work shall be carried out in accordance with the details submitted to and approved by the Local Planning Authority on plans ref 14/595/6600A, 14/595/6614A, 14/595/6615A, 14/595/6622A and 14/595/6623 received on 2 June 2014 and the approved details shall be implemented before the development is completed.

Reason

In the interest of highway safety.

07

The provision of a 12 month Countywide Travel Master pass to residents on first legal completion of each unit and the provision of storage space for bicycles to all units shall be implemented before the dwellings are occupied, as approved in writing by the Local Planning Authority on 23 September 2014.

Reason

In order to promote sustainable transport choices.

08

Before the development is brought into use the approved details set out in the Biodiversity Mitigation and Enhancement Strategy (AES Ltd, May 2014) and the Soft Landscape Plan (4108/2100 Rev B received 4 August 2014) and the working methods provided in the AES Strategy shall be implemented

Reason

To ensure biodiversity gain from the proposal in accordance with UDP Policy ENV3.2 'Maintaining the Character and Quality of the Environment'.

09

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

Reason

In the interests of the visual amenities of the area and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and

Hedgerows’.

10

The scheme shall be implemented in accordance with the approved landscape scheme submitted on 4 August 2014 ref 4108/2100 Rev C

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 UDP Policies ENV3 ‘Borough Landscape’, ENV3.1 ‘Development and the Environment’, ENV3.2 ‘Minimising the Impact of Development’ and ENV3.4 ‘Trees, Woodlands and Hedgerows’.

11

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 ‘Borough Landscape’, ENV3.1 ‘Development and the Environment’, ENV3.2 ‘Minimising the Impact of Development’ and ENV3.4 ‘Trees, Woodlands and Hedgerows’.

12

No work or storage on the site shall commence until all the trees/shrubs to be retained have been protected by the erection of a strong durable 2 metre high barrier fence in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations This shall be positioned in accordance with details submitted on 4 September 2014 ref 2436-1-005B approved by the Local Planning Authority on 23 September 2014. The protective fencing shall be properly maintained and shall not be removed without the written approval of the Local Planning Authority until the development is completed. There shall be no alterations in ground levels, fires, use of plant, storage, mixing or stockpiling of materials within the fenced areas.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 ‘Borough Landscape’, ENV3.1 ‘Development and the Environment’, ENV3.2 ‘Minimising the Impact of Development’ and ENV3.4 ‘Trees, Woodlands and Hedgerows’.

13

The approved development shall be implemented in accordance with the advice within the submitted Arboricultural Report and Method Statement dated, November 2013 and the Arboricultural Impact and Method Statement dated March 2014, and in particular the recommended tree protection measures required throughout the development.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 ‘Borough Landscape’, ENV3.1 ‘Development and the Environment’, ENV3.2 ‘Minimising the

Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

14

The design and construction method of the proposed access within the recommended root protection areas of the existing trees on the site shown for retention shall be carried out in accordance with the details received on 1 September 2014 ref 2436-1-005 and approved on 23 September 2014.

Reason

To ensure the trees/shrubs are protected during the construction of the development in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.1 'Development and the Environment', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

15

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/Design and Access Statement.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with UDP Policy ENV3.1 'Development and the Environment'.

16

The foundation design for the site shall be undertaken in accordance with the recommendations detailed in section 13 of the Phase I Geo-Environmental and Geotechnical Assessment and Phase II Intrusive Investigation, Parkstone House, Crowgate, South Anston, Sheffield for Jones Homes (Northern Limited), by Michael D Joyce Associates LLP, dated March 2011, report ref 3221.

Reason

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

17

Work shall be carried out in accordance with the details submitted in the document entitled 'Development at Parkstone House' dated 2 June 2014 ref ADJ/JLG/9941. In the event that during development works unexpected significant contamination is encountered at any stage of the process, the Local Planning Authority shall be notified in writing immediately. Any requirements for remedial works shall be submitted to and approved in writing by the Local Planning Authority. Works thereafter shall be carried out in accordance with an approved Method Statement.

Reason

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

Informatives

01

INF 11A Control of working practices during construction phase (Close to residential)

It is recommended that the following advice is followed to prevent a nuisance/ loss of amenity to local residential areas. Please note that the Council's Neighbourhood Enforcement have a legal duty to investigate any complaints about noise or dust. If a statutory nuisance is found to exist they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Rotherham Magistrates' Court. It is therefore recommended that you give serious consideration to the below recommendations and to the steps that may be required to prevent a noise nuisance from being created.

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

(ii) Heavy goods vehicles should only enter or leave the site between the hours of 08:00 – 18:00 on weekdays and 09:00 – 13:00 Saturdays and no such movements should take place on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

(iii) Best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such times as the site/weather conditions improve such as to permit a resumption.

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

02

INF 25 Protected species

Wildlife Legislation

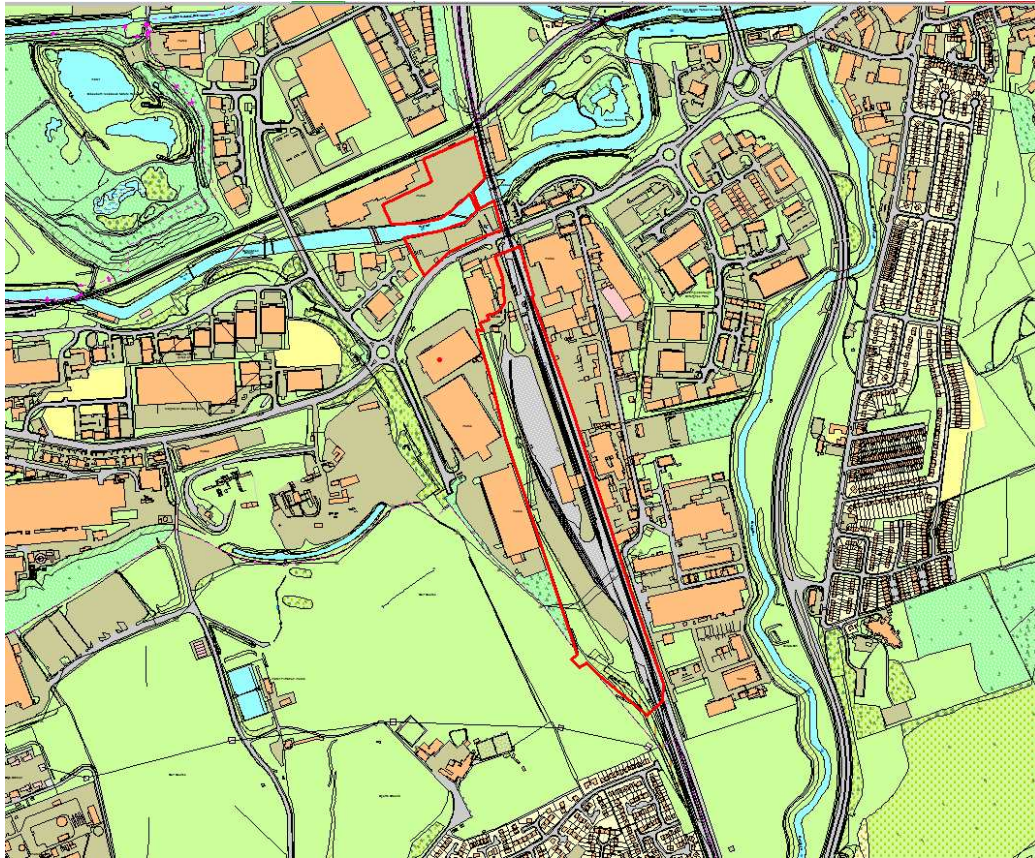
Nature conservation protection under UK and EU legislation is irrespective of the planning system and the applicant should therefore ensure that any activity undertaken, regardless of the need for any planning consent, complies with the appropriate wildlife legislation. If any protected species are found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

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions

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

Application Number	RB2015/0064
Proposal and Location	Application to vary condition 01 (minor changes to footprint and elevations of building 4) imposed by RB2014/1045 Application to vary condition 02 (minor changes to the footprint and elevations and the installation of a conveyor belt between buildings 1 and 11) imposed by RB2013/1331 – Installation of a biomass energy development incorporating a 350,000tpa wood pellet manufacturing process and an associated biomass combined heat and power (CHP) plant at the former Firth Rixson Ickles Works, Sheffield Road, Templeborough for the Brite Partnership.
Recommendation	<p>A That the Council enter into an agreement with the developer under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the same obligations as was previously secured through Planning Permission RB2014/1045.</p> <p>B Consequent upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to the conditions outlined below.</p>



Site Description & Location

This application relates to two sites off Sheffield Road in the Templeborough area of the Borough which extends to approximately 11.7 ha. The sites lie to the west of the town centre in an area which is characterised by industrial premises.

The actual sites comprise of part of the Firth Rixson site on the northern side of Sheffield Road and the DB Schenker Rail Head site immediately to the south on the opposite side of Sheffield Road.

The Firth Rixson site is redundant in terms of its use by Firth Rixson Metals Ltd. and previously contained a number of buildings although these have now been demolished and the site cleared. This part of the site is split into two main areas by the River Don which runs through the site in an easterly direction. The southern area of the site fronts Sheffield Road and consists of an area previously used for car parking for the employees of Firth Rixson when the site was fully operational. This area is screened from Sheffield Road by a mixture of landscaping and a boundary wall.

The northern part of the Firth Rixson site is accessed via an existing vehicular bridge over the River Don and previously housed a number of large scale industrial buildings. These buildings have now been demolished and the site is vacant.

Access to the Firth Rixson site is gained off Sheffield Road via a substantial entrance leading to a portakabin which is constantly manned and used as a gatehouse. There is no public access to the site.

Abutting the sites on the eastern and northern boundary are railway lines. The one to the east is elevated and it is this railway line which leads to the Schenker rail head site

to the south. There are railway arches under the line which allow for access to the industrial building beyond. The one to the north is at the same level as the application site and is secured by a palisade fence. To the north west of the site are existing industrial buildings which are still in use by Firth Rixson and will continue to be used for this purpose.

The River Don which runs through the site has been subject of flood alleviation measures following the flooding event in 2007. These consist of concrete flood defences running parallel with the river through the application site.

The Rotherham/Sheffield railway line runs to the east of the sites, immediately adjacent to the Schenker Rail Head site which includes an area of sidings adjacent to the main railway line.

The Schenker site lies higher than Sheffield Road and the view from Sheffield Road is obscured to some extent by vegetation, existing buildings and the level difference as it lies at the same level as the railway line which crosses the road via a bridge. It is currently used as a distribution depot for metallurgical items and as a waste transfer station for scrap metal recycling. Currently scrap metal is brought to the site by HGV and deposited on the site where it is sorted prior to loading on to rail wagons for onward transport to processors. The buildings currently on site, associated with this use are proposed to be demolished but the sidings retained.

To the east of the Schenker site are existing industrial buildings whilst to the west are similar style industrial buildings with the golf course beyond. The nearest residential properties lie some 550 metres to the south of this site in Brinsworth.

Vehicular access to the Schenker site is from Sheffield Road and comprises an existing wide entrance adjacent to existing industrial premises. The access to the site is secured with electronic security coded gates because of the risk to public safety due to the presence of the railway line.

Background

The most recent and relevant applications relating to the application sites are summarised below:

RB2013/1331 - Installation of a biomass energy development incorporating a 350,000 tonnes per annum wood pellet manufacturing process and an associated biomass combined heat and power plant - Granted Conditionally

RB2010/0668 – Construction and operation of a Biomass Energy Development incorporating two associated biomass combined heat and power (CHP) plants, two chimney stacks (30m and 40m in height) with a 200,000 tonne per annum wood pellet manufacturing process and associated infrastructure and landscaping works – Granted Conditionally.

This application consisted of development on the Firth Rixson site only and the wood pellet receipt and pre-treatment was proposed to take place on the former Council depot at Greasbrough Road for which planning permission was granted under the following reference:

RB2012/0164 – Demolition of existing building and erection of a building to form virgin chip processing plant and storage building, erection of two storey building to form associated office block, use of land for on site open storage of virgin logs and waste wood to maximum height of 5 metres and siting of 2no. weigh bridges – Granted Conditionally 10/04/2012

RB2014/1045 - Application to vary condition 02 (minor changes to footprint and elevations and the installation of a conveyor belt between buildings 1 and 11) imposed by RB2013/1331 (Installation of a biomass energy development incorporating a 350,000 tpa wood pellet manufacturing process and an associated biomass combined heat & power (CHP) plant) at Firth Rixon Ickles Works Sheffield Road Templeborough Rotherham. – Granted Conditionally 25/11/2014

RB2014/1648 – Non material amendment to RB2014/1045 to amend conditions 1, 24, 38 and 39 – Granted 22/01/2015

RB2015/0091- Non-material amendment to application RB2014/1045 to include a reduction in the footprint of the battery room annex to Building No.3 – Granted.

Environmental Impact

The proposed development falls within Schedule 3(a) Industrial Installations for the production of electricity, steam and hot water of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. With regards to Column 2, the site exceeds the 0.5ha threshold.

The proposed development is considered to have the potential to give rise to significant environmental effects. Accordingly, the proposed development is regarded as EIA development and is subject of an environmental impact assessment (EIA) under the EIA Regulations.

Proposal

Members may recall that planning permission was granted in April 2014 for the installation of a biomass energy development incorporating a wood pellet manufacturing process and an associated biomass combined heat and power plant approved under ref: RB2013/1331 and an amendment to the size of a number of buildings were approved under RB2014/1045 in November 2014.

This current application is made under Section 73 of the Town and Country Planning Act and seeks to make amendments to the approved layout and elevation plans in order to make the plant more efficient. The principal change relates to building 4 on the former Firth Rixon site and includes an increase in the overall size of the footprint to accommodate a larger treatment plant and the erection of an external quench tower extending to 25m in height. The amended footprint also results in the re-siting of Flue Gas Treatment Tanks (Buildings 5) and the Fly Ash Silo (Building 24).

This change does not affect the operation of the solid biomass CHP plant or the way in which the various process operations will be undertaken as approved under ref: RB2014/1045.

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 'saved' policies from the Unitary Development Plan (UDP).

The application site is allocated for Industrial and Business purposes in the UDP. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policies:

CS28 'Sustainable Design'

CS30 'Low Carbon and Renewable Energy Generation'

Unitary Development Plan 'saved' policy:

EC3.1 'Land identified for Industrial and Business Uses'

Other Material Considerations

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF states that "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

The Core Strategy/Unitary Development Plan policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

PPS10 National waste planning policy.

The application is subject to an updated Environmental Impact Assessment (EIA). The following chapters form the formal EIA:

- Air Quality and Climate Factors
- Ecological Issues
- Health Impact Assessment
- Ground Contamination
- Water Quality
- Transportation
- Heritage and Archaeology
- Landscape and Visual Impact
- Noise
- Socio Economic Impacts

Two further documents have also been submitted in support of the application which sits outside of the formal EIA document. These are summarised as follows:

- **Planning Policy Statement**
This statement provides an overview of the relevant national and local policies and demonstrates how the proposed development is in accordance with these policies.
- **Design and Access Statement**
The purpose of this statement is to appraise the site and demonstrate how the wider context has influenced design principles and access arrangements for the proposed development. It assesses the site itself as well as the amount, layout, scale, appearance, access and landscaping of the proposed development.

Publicity

The application has been advertised as an application accompanied by an Environmental Statement in the form of press and site notices, while neighbouring industrial and commercial premises have been notified in writing. No representations have been received.

Consultations

Neighbourhoods (Environmental Health) do not foresee any issues relating to the proposed amendments and as such raise no objections to the proposal.

Streetpride (Transportation and Highways) raise no objections to the proposed alterations to the size of building 4.

Streetpride (Ecology) raise no objections to the proposal.

Streetpride (Drainage) raises no objection to the proposal.

Highways Agency offers no objection to the proposal.

Natural England do not wish to comment on the proposal.

Canal and Rivers Trust have confirmed that the application falls outside of the notified area for its application scale and as such they have returned the application as there is no requirement for the LPA to consult them.

Sheffield City Council no comments received

Environment Agency no comments received.

Yorkshire Water no comments received.

Network Rail no comments received.

Appraisal

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

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

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

The main considerations in the determination of this application are:

- Principle of Development
- Design and Visual Amenity
- Other Considerations

Principle of Development

Full planning permission was granted for a biomass energy development incorporating a wood pellet manufacturing process and an associated biomass combined heat and power plant in April 2014 (RB2013/1331). Since this time the Core Strategy has been adopted by the Council and now forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan.

With this in mind, Core Strategy Policy CS30 'Low Carbon and Renewable Generation' is of relevance. This policy states that '*Proposals for the development of renewable and low carbon sources of energy, particularly from community owned projects, will be encouraged provided that there are no unacceptable adverse effects on:*

- a. Residential living conditions, amenity and quality of life*
- b. Character and appearance of the landscape and surrounding area*
- c. Biodiversity, geodiversity and water quality*
- d. Historical, archaeological and cultural heritage assets*
- e. Highway safety and infrastructure*

This current application does not seek to amend the fundamental outputs of the approved development such as the processes to be undertaken on site or the scale of operation and the increase in recycled wood fuel will not have an impact on the previously approved vehicle movements and all other environmental aspects are unchanged. The amendments therefore relate solely to the size and orientation of some of the consented buildings, including the installation of a new conveyor belt. Having regard to this, the previous application and subsequent approval assessed the impact of the development on the living conditions of local residents, the character and appearance of the landscape, biodiversity and highway safety and was deemed to be acceptable. As no alterations are proposed to the scale of operation and processes to be undertaken, it is considered that the principle of development is considered to be acceptable and fully accords with the provisions of Policy CS30.

Design and Visual Amenity

Policy CS28 of the Core Strategy aims to ensure that: Design should take all opportunities to improve the character and quality of an area and the way it functions.”

This is further emphasised in Paragraph 56 of the NPPF which states that “The Government attached great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

The site last comprised a mix of large scale industrial buildings, which were demolished recently. The site is intersected by the River Don and a steel bridge connects the two sites. Limited screening, in the form of tree planting and vegetation, is located on the site frontage with Sheffield Road, however no other form of planting is currently evident within the site. The Schenker Site is screened to some extent from the main Sheffield Road by way of its elevated position and presence of limited vegetation and adjacent buildings.

In terms of the layout of the development, a number of purpose designed buildings on both the north and south parts of the former Firth Rixson site were approved under ref: RB2013/1331. Subsequent to this approval, the applicants have identified that a number of technical issues have impacted on the operational requirements of the wood pellet plant. Accordingly, the layout of the development required minor amendments from that previously approved and was granted permission in November 2014 under ref: RB2014/1045.

Since this time, the applicants have undertaken further work on the detailed design process and have identified a requirement to make an amendment to the flue gas treatment building (Building 4). This amendment includes an increase in the footprint of this building from 15.5m x 10.5m x 16m high to 24.5m x 21.6m x 16m high. The amendment also includes the erection an external flue (identified as the Quench Tower on the layout plan) extending to an overall height of 25m. The amendment to the footprint of Building 4 also results in the re-siting of the Flue Gas Treatment Tanks (Buildings 5) approximately 10m to the east of their approved location and the Fly Ash Silo (Building 24) approximately 7.5m to the north of its approved location.

Taking into account the impact of the this amendment, the most significant alteration includes the erection of the external flue to Building 4 which extends to 25m in height, an overall increase of 9m when compared to the height of the building.

Having regard to the scale of the structures as proposed, they are driven by operational requirements and whilst it is acknowledged that the buildings on this site will be large scale and tall, they will have the appearance of large, modern industrial buildings, consistent in design with other buildings within the immediate area and the increase in the footprint of building 4, together with the erection of the external flue and re-siting of treatment tanks and a silo will not have an unacceptable impact on the character and appearance of the area. Furthermore, the materials to be used in the external appearance comprise profiled steel cladding in neutral colours including Ivory, Grey and Mushroom.

Overall, it is considered that by virtue of their siting, scale, height, massing and relationship to the locality, the proposed amendment to the footprint of building 4, erection of the quench tower and re-siting of treatment tanks and a silo are considered

to be acceptable in this instance and comply with the provisions of Policy CS28 'Sustainable Design' and Paragraph 56 of the NPPF.

Conclusion

The principle of the biomass energy development has been previously established however since its determination the Core Strategy has been adopted by the Council and now forms part of Rotherham's Local Plan together with 'saved' policies from the Unitary Development Plan. Policy CS30 encourages the development of renewable and low carbon sources of energy. This current application does not seek to amend the fundamental outputs of the approved development such as the processes to be undertaken on site or the scale of operation. The amendment relates solely to the size of building 4 and the re-siting of treatment tanks and a silo and as such is considered to be acceptable in principle and in accordance with the provision of Policy CS30.

Having regard to the amendment, it is considered that by virtue of its design, siting, scale, height, massing and its relationship to the locality, the proposed increase in the footprint of Building 4 is considered to be acceptable in this instance and comply with the provisions of Policy CS28 'Sustainable Design' and Paragraph 56 of the NPPF.

Conditions

01

The development hereby permitted shall be commenced before the 28 April 2017.

Reason

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

02

The development shall only take place in accordance with the submitted details and specifications shown on the plans listed below:

- SD/431/01Ci dated July 2014 & received on 10/02/2015 - Master Site/Location Plan
- SD/431/02Ci dated July 2014 & received on 10/02/2015 - Proposed Part Site Plan – North of Sheffield Road
- SD/431/03 Part Site Plan – South of Sheffield Road
- SD/431/04Bi dated July 2014 & received on 10/02/2015 – 2D Elevations
- SD/431/05Bi dated July 2014 & received on 10/02/2015 – 3D Impressions
- SD/431/07Ci dated July 2014 & received on 10/02/2015 – 2D Elevations
- SD/431/14B – 2D Elevations
- SD/431/10 – 2D Elevations
- SD/431/11 – 2D Elevations
- SD/431/12 – 2D Elevations
- SD/431/13A dated July 2014 & received on 26/01/2015 – 2D Elevations
- SD/431/15 – 2D Elevations
- SD/431/08 – 2D Elevations
- SD/431/09 – 2D Elevations
- 463-001 Planting Plan
- 463-002 Existing Tree Planting
- SD/431/17A - Master Site Plan

Reason

To ensure the development is carried out in accordance with the approved plans.

02

Development on the Firth Rixson site shall be carried out in full accordance with the materials schedule entitled Condition 3 and no development shall take place on the Schenker site until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason

To ensure that appropriate materials are used in the construction of the development in the interests of visual amenity and in accordance with Policy CS28 Sustainable Design

03

Development on the Firth Rixson site shall be carried out in full accordance with the details submitted in the Construction Environmental Management Plan.

Reason

In order to ensure the development does not give rise to any environmental issues or problems of mud/material deposit on the adjoining public highway in the interests of road safety.

03

Prior to the commencement of development on the Schenker site details of the measures to be employed to prevent the egress of mud, water and other detritus onto the highway and details of the measures to be employed to remove any such substance from the highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall be used for the duration of the works.

Reason

In order to ensure the development does not give rise to problems of mud/material deposit on the adjoining public highway in the interests of road safety.

04

Prior to the commencement of development on the Schenker site a dust management plan shall be submitted to and approved in writing by the Local Planning Authority, the Dust Management Plan shall cover both the construction and operational phase of the development and shall set out the full details of how dust will be minimized during these phases. The proposed development shall thereafter be carried out in accordance with these approved details.

Reason

In the interests of the local amenity and to comply with UDP Policy ENV 3.7.

05

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites'.

Reason

In the interests of the local amenity and to comply with UDP Policy ENV 3.7.

06

The level of noise emitted from the operational Biomass Energy Development, as measured in accordance with BS 4142:1997, shall not exceed 80dB LAeq when measured 1 metre from outside of the solid and liquid biomass plant, timber store and timber processing plant walls at any time, except in the case of emergencies.

Reason

To protect the amenity of the area and to comply with UDP Policy ENV 3.7.

07

Within 3 months of the development of the Biomass Energy development having been completed and brought fully into operation, noise measurements shall be undertaken at the site for a continuous 24 hour period by a competent person, or persons, when suitable weather conditions do not distort readings. The results shall be submitted to the Local Planning Authority forthwith.

Reason

To ensure that the operational development is complying with noise conditions to the planning permission and to protect the amenity of the area in accordance with UDP Policy ENV3.7.

08

No development shall take place on the Schenker Site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic, artificial illumination, noise, vibration, dust, air pollution and odour and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Local Planning Authority.

Reason

In the interests of the local amenity and to comply with UDP Policy ENV 3.7.

09

Prior to the commencement of development on the Schenker site, further intrusive investigation of the soils and groundwater shall be carried out in accordance with a scheme to be submitted to and approved by the Local Planning Authority. A report of the findings shall be approved in writing by the Local Planning Authority and any recommendations implemented in accordance with this report. The report shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CR11'. And in the event that contamination is found at any time that was not previously identified, the contamination and method for its remediation must be reported in writing immediately to the Local Planning Authority.

Reason

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

10

Prior to commencement of development on the Schenker site, a report detailing how ground gas monitoring will be carried out shall be submitted to and approved in writing by the Local Planning Authority. The monitoring shall be undertaken in accordance with CIRIA C665 guidance 'Assessing the risks posed by hazardous gases and buildings' and in accordance with the NHBC guidelines. If gas protection measures are required as a result of the monitoring, details shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance with the approved details.

Reason

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

11

Should any unexpected land contamination or odorous material, not previously identified, be found at the site during construction works, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out, on that part of the site, until the developer / site operator has submitted, and obtained written approval from the Local Planning Authority.

Reason

To ensure that the development complies with approved details in the interests of protection of controlled waters and to comply with UDP Policy ENV3.7.

12

Upon completion of any remedial works, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The Validation Report shall include details of the required remediation works and the quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post remediation sampling to show the site has reached the required clean up criteria shall be included in the closure report.

Reason

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

13

Only clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic material shall be imported on site as infill material. Copies of relevant certificates to this effect shall be submitted to confirm the materials are free from contamination.

Reason

To ensure that the development complies with approved details in the interests of protection of controlled waters and to comply with UDP Policy ENV3.7.

14

The development hereby permitted on the Firth Rixson site shall not be commenced until such time as a detailed scheme for the provision of surface water drainage works has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details shown on drawing ref: B90738-DRG-INF0003, dated 22/08/2014. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

15

The development hereby permitted on the Schenker site shall not be commenced until such time as a scheme for the provision of surface water drainage works has been submitted to, and approved in writing by, the local planning authority. Page 16 of the FRA by Monson (Issue B, dated 12/05/10) states that for the proposed development, surface water runoff rates will be reduced by 30% from existing rates. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

16

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason

In the interest of satisfactory and sustainable drainage.

17

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

Reason

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

18

No development shall take place on the Schenker site until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

Reason

To ensure that the development can be properly drained.

19

Unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason

To ensure that no foul water discharges take place until proper provision has been made for its disposal.

20

Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

Reason

To ensure that there are no discharges to the public sewerage system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents.

21

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Monson (Issue B, dated 12/05/10) and the following mitigation measures detailed within the FRA:

1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven; pages 16 and 17 of the FRA state that access and egress will be available via the proposed new access bridge during the 1 in 100 year plus climate change flood and an emergency plan will be issued in conjunction with subscription to the Environment Agency's Flood Warning service. The FRA also states that safe refuge will be available on higher floors of some of the buildings on site during an extreme flood event.
2. Construction of a new access bridge at the downstream end of the site, with a deck height no lower than 28.45 mAOD (as stated on pages 10 and 16 of the FRA).
3. Flood-proofing measures in the buildings in the form of reinforced concrete walls and flood gates, as detailed on pages 10 and 16 of the FRA (with the exception of the reception building for recycled wood and the existing building to the east of the railway viaduct).
4. Finished floor levels are set no lower than 28.9 m above Ordnance Datum (AOD) for the office accommodation (as stated on page 16 of the FRA).

Reason

To ensure safe access and egress from and to the site and to reduce the risk of flooding on the development and future occupants, in accordance with the NPPF.

22

Before the development commences the production of electricity, that part of the site to be used by vehicles shall be constructed with either;

1. a permeable surface and associated water retention/collection drainage, or;
2. 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 to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

23

Before the development commences the production of electricity the car parking area shown on the approved plan (Drawing No. 431/02C) by site identifier 15, shall be provided, marked out and thereafter maintained for car parking.

Reason

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

24

Before the development commences the production of electricity, a Travel Plan shall have been submitted to and approved by the Local Planning Authority. The plan shall include clear and unambiguous objectives, modal split targets together with a programme of implementation, monitoring, validation and regular review and improvement. The Local Planning Authority shall be informed of and give prior approval in writing to any subsequent improvements or modifications to the Travel Plan following submission of progress performance reports as time tabled in the monitoring programme. For further information please contact the Transportation Unit (01709) 822186.

Reason

In order to promote sustainable transport choices.

25

Prior to commencement of development on the Schenker site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be implemented during the entirety of the construction period.

Reason

In order to ensure the development does not give rise to problems on the public highway, in the interests of road safety.

26

The development shall not commence the production of electricity until the signage scheme as indicated on Plan ref: 4881/03/SK01 Rev A has been implemented in its entirety. The signage shall thereafter be retained for the lifetime of the development.

Reason

In the interest of highway safety.

27

Development on the Firth Rixson site shall be carried out in full accordance with the Landscape details and plans entitled Condition 28 in the supporting information.

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 CS28 Sustainable Design and UDP Policies ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

28

Prior to commencement of development on the Schenker site, 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 UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

29

Any plants or trees which within a period of 5 years from completion of planting die, are removed or damaged, or that fail to thrive shall be replaced. Assessment of requirements for replacement planting shall be carried out on an annual basis in September of each year and any defective work or materials discovered shall be rectified before 31st December of that year.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with UDP Policies ENV3 'Borough Landscape', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

30

The development hereby approved shall not commence the production of electricity until a scheme for providing multi-species fish passage over Ickles Weir (SK 41775 91872 to SK 41815 91865), has been submitted and approved in writing by the Local Planning Authority.

The scheme shall comprise the following:

- A detailed study of the heritage implications of any fish pass option, prepared in consultation with South Yorkshire Archaeology Service; the results of which shall inform the nature of the final design;
- Details of how the weir will be made passable to a range of fish species over a range of flows using a design that has received written approval from the Environment Agency.
- Details of timescales for the completion of the works

The works to provide multi-species fish passage shall proceed in accordance with the design detail and timescales as submitted and agreed.

Reason

The provision of multi-species fish passage in this location would accord with the aims and objectives of national planning policy as set out in the National Planning Policy Framework and the Natural Environment and Rural Communities Act 2006. It would provide a net gain to biodiversity and help restore a coherent ecological network with the River Don. Reconnecting fish passage will make the ecology of the River Don more resilient to current and future pressures, including climate change.

31

Bat and Bird Boxes shall be installed in accordance with the details submitted in support of the application under the heading Condition 31 and within a timescale to be agreed with the Local Planning Authority.

Reason

In accordance with the National Planning Policy Framework paragraph 109 which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Land alongside rivers and its associated habitats are particularly valuable for wildlife and it is essential this is protected.

32

Diffusion tube monitoring for nitrogen dioxide and sulphur dioxide on the Firth Rixson site shall be carried out in full accordance with the details entitled Condition 32 in the supporting information.

Reason

To ensure that the air quality in this area is acceptable.

33

Prior to the commencement of development on the Schenker site a scheme outlining a programme of diffusion tube monitoring for nitrogen dioxide and sulphur dioxide at locations within Centenary Riverside shall be submitted to and approved in writing by

the Local Planning Authority. The scheme shall thereafter be implemented in accordance with details of this report.

Reason

To ensure that the air quality in this area is acceptable.

34

The development hereby permitted shall only take place in accordance with the approved Written Scheme of Investigation (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.

35

There shall be no illumination of the external faces of completed buildings, chimneys or external areas of the approved Biomass Energy Development other than in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the operation of the facility. The submitted scheme shall show how light pollution is to be controlled, the position, height, type and power of each light and the need in safety and security terms, and the circumstances in which the light shall be activated. Thereafter the artificial illumination of the site shall take place only in accordance with the approved lighting scheme, unless with the prior written consent of the Local Planning Authority.

Reason

In the interests of the amenity of the area and to limit light pollution and to comply with UDP policy ENV3.7.

36

No part of the land other than that occupied by buildings, storage tanks and silos shall be used for the storage of goods, components, parts, waste materials or equipment without the prior written approval of the Local Planning Authority.

Reason

To prevent the land from becoming unsightly in the interests of visual amenity and in accordance with Policy CS 28 Sustainable Design.

37

Prior to the commencement of development on the Schenker site, details of the proposed fencing including security fencing on the Schenker site shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be erected in accordance with the details prior to the first use of the Schenker site.

Reason

In the interest of the security of the use of the Schenker site.

38

Prior to the commencement of development on the Schenker site a method statement relating to the methods of demolition, excavations and construction of buildings on the Schenker site shall be submitted to and approved in writing by the Local Planning Authority. This method statement should detail methods of carrying out any works on the site which are within 10 metres of the railway boundary and shall include details of any impacts on the operation of the railway, machinery to be used and details of any scaffolding or other ancillary operations. The development on the Schenker site shall be carried out in accordance with the approved details.

Reason

To ensure the safe and secure use of the site and prevent any unexpected impact upon the adjacent rail line.

Informatives:

01

Under the terms of the Water Resources Act 1991, and the Yorkshire Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Don, designated a 'main river'.

02

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge, and improving water quality and amenity.

03

The Environment Agency recommends that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Additional guidance can be found in the Environment Agency Flood line Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188 or can be found on our website www.environment-agency.gov.uk click on 'flood' in subjects to find out about, and then 'floodline'.

Reference should also be made to the Department for Communities and Local Government publication 'Preparing for Floods' please email: communities@twoten.com for a copy.

04

The applicant is advised that part of the landscaped area fronting Sheffield Road will be in land that currently forms part of the public highway. A Stopping Up Order under S247

Town and Country Planning Act 1990 will be required. The contact is now nationalcasework@dft.gsi.gov.uk

05

The applicant is advised that a restrictive covenant may be in place on part of the land forming a part of this planning application and contact should be made with Network Rail Property Services Team to discuss this matter.

POSITIVE AND PROACTIVE STATEMENT

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