

ROTHERHAM METROPOLITAN BOROUGH COUNCIL

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THURSDAY 01 JUNE 2017**

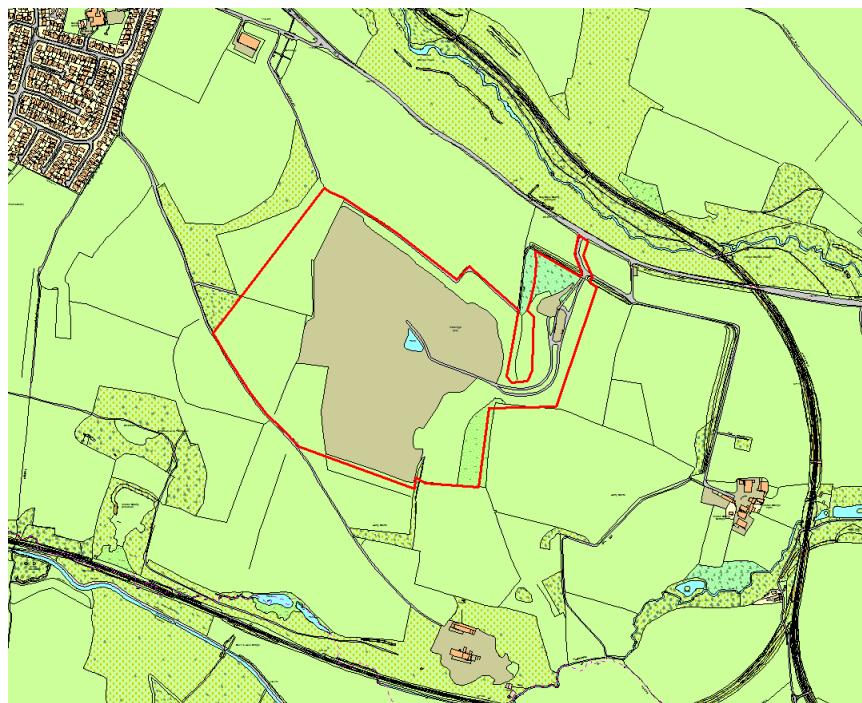
The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

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Application Number	RB2016/1539
Proposal and Location	Application to vary conditions 01 (proposed plans), 02 (site restoration), 15 (restoration works), 16 (site opening hours), 17 (loading of stone), 18 (recycling), 23 (deliveries), 26 (field noise level), 28 (blasting operations), 29 (blasting charges), 33 (topsoil & subsoil workings), 34 (controlled skipping), 36 (restoration work), 37 (graded tipped surfaces), 40 (trees, shrubs & hedgerows), 41 (phase plans) imposed by RB2010/1308 at Harrycroft Quarry, Worksop Road, South Anston
Recommendation	<p>A) That the Council enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 for the purposes of securing the following:</p> <ul style="list-style-type: none"> • A contribution of £10,130 towards traffic management measures. <p>B) Consequently upon the satisfactory signing of such an agreement the Council resolves to grant permission for the proposed development subject to conditions.</p>

This application is being presented to Planning Board as it does not fall within the Scheme of Delegation for major operations.



Site Description and Location

Harrycroft, a limestone quarry operated by Tarmac, has been operated such that phased extraction and restoration (with imported inert materials) takes place. The

quarry is currently not being worked as works ceased on site more than twelve months ago. It was last worked along the western face.

Access to the site is via the A57, which lies to the north, and then a concrete access road into the site, which continues as an unsurfaced road to the reception area.

Two statutorily protected sites of special scientific interest (SSSI's) lie close to the site, Anston Stones Wood to the north and Lindrick Common to the east. The area to the south of the site has been defined as an area of "Known Interest Outside Protected sites." The quarry is located on and surrounded by agricultural land.

The nearest residential properties are on Hawthorn Avenue, South Anston (1,300 metres to the west) and Anston Grange Farm (400 metres to the south east). The properties at Lindrick Dale are 700 metres to the east but are screened from the site by the topography between.

A Public Right of Way (Anston Footpath No. 14) crosses the site and a temporary diversion around the quarry workings is in place.

Background

Mineral extraction has taken place at Harrycroft Quarry, the only Limestone Quarry within the Borough boundary, since the original grant of planning permission in 1960. Subsequent permissions have extended the time period for working the minerals on site and subsequent restoration, as well as the area of working. The relevant planning permission for the current quarry workings and restoration by infilling with imported material was granted in March 1996 (RB1995/0154) and was time limited, quarrying to cease in 2008 and restoration to be completed by 2016.

The infilling operations were the subject of a waste management license granted in 1991 which has now been superseded by a Pollution Prevention and Control permit issued in September 2006.

Two applications were submitted in November 2001 to amend the scheme of restoration and develop an aggregate recycling facility. These were granted on appeal on 4 April 2003 (reference RB2001/1546 and RB2001/1547 respectively).

An application to allow the continuation of the recycling operation at the quarry until April 2008 was granted on 22 June 2006 (RB2006/0584). All recycling activities on the site have now ceased.

A temporary permission to allow the importation of road planings for a 3 month period, to coincide with improvement works to the M1, was granted on 10 November 2005 but was not implemented (RB2005/1040).

An application for the extension of the life of the site, for limestone extraction and recycling (until end of 2016) and restoration of the site (to be completed by end of 2018), including details of phasing, was submitted in November 2006 (RB2006/2094). This application was recommended for approval but was refused at the Council's Planning Board. An appeal was submitted which was subsequently allowed, subject to conditions, in April 2009.

Finally following a pause in work on site due to the recession, an application was submitted for the variation to condition 6 imposed by RB2006/2094 to amend the required period for the submission of a revised scheme for the restoration of the site should mineral extraction/waste infill cease for a period in excess of twelve months (RB2010/1308). This was granted conditionally on 21st December 2010 and the current application looks to amend various conditions on this permission.

The previous applications have been Environmental Impact Assessment developments and have been accompanied by Environmental Statements and such a Statement has also been submitted with the current application, due to the nature of the proposals and size of the application site under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

Proposal

An assessment of remaining reserves at the quarry indicate a permitted reserve of 2.55 million tonnes, which at typical output levels of 200,000 tonnes per annum will take around 15 years to recover. For the last five years since the 2010 permission was granted limited extraction and sales have taken place at Harrycroft due to the economic recession reducing demand for construction materials. The company had to tailor its output to match those lower levels of demand. However there has now been a gradual increase in demand in the region which means that the already permitted mineral is now needed to assist in meeting product orders.

The applicant indicates that the recycling operations on site would continue within the 25,000 tonnes per annum limit of the existing permission for the duration of the revised extraction/restoration scheme and that there is no proposal to extend the quarry outside of the current approved boundary. Limestone production levels will remain at up to 300,000 tonnes a year, and inert infill material will continue to be used in the progressive restoration of the quarry floor. Nearly 700,000 cubic metres of material is required to achieve the final restoration scheme. The principles of the currently approved restoration scheme will be followed to provide a mixture of agricultural and conservation end uses.

Many of the variation to the conditions are procedural and relate to changes in the approved condition numbers, rather than fundamental changes.

It is therefore proposed to vary Conditions 1 and 2 of the planning permission to extend the time periods for extraction and restoration from 31 December 2018 to 31 December 2031 for extraction and to 31 December 2033 for restoration.

In addition to the above Tarmac propose to make variations to the approved working scheme, phasing plans and scheme of restoration to take account of certain ecological circumstances on site. In this regard, it is also proposed to vary conditions 15, 17, 18, 23, 26, 29, 33, 34, 36, 37, 40, and 41 to take account of the changes in plan numbers. As a result of the public exhibition, the application also includes for the creation and use of a new long term route for Public Right of Way (Anston Footpath 14) which integrates with the proposed restoration landform.

Furthermore, and again following on from feedback from the public exhibition, the application includes for the proposed restriction on the operational hours for the operation of primary plant and equipment via a variation to Condition 16. Finally,

the application also proposes the withdrawal of rights under Condition 28 of blasting on Saturdays.

The application has been submitted with a number of supporting documents, many of which form the Environmental Statement for the proposed development. These include the following:

Assessment of Environmental Impact of Blasting

The assessment recommends the following:

Ground Vibration - Inhabited Property

- We recommend that a ground vibration limit is chosen that, not only is perfectly safe for the integrity of structures, but also takes into account the physiological effects on adjacent neighbours. As such we recommend a vibration limit of 6 mms⁻¹ peak particle velocity at residential property. The limit of 6 mms⁻¹ is in line with the current planning conditions at Harrycroft Quarry, is successful current practice at numerous similar open pit workings within the United Kingdom, and also agrees with the relevant British Standards 6472-2: 2008 and BS 7385-2: 1993.

Air Overpressure

- Our considerable past experience of air overpressure measurement and control leads us to the firm conclusion that it is totally impracticable to set a maximum air overpressure limit, with or without an appropriate percentile of exceedances being allowed, simply because of the significant and unpredictable effect of variable weather conditions. This point is recognised by the DETR publication The Environmental Effects of Production Blasting from Surface Mineral Workings and British Standard 6472-2: 2008.
- With a sensible ground vibration limitation the economics of safe and efficient blasting will automatically ensure that air overpressures are kept to reasonable levels.
- We therefore recommend that in line with the current best accepted modern practice in the extraction industries that safe and practical measures are adopted that ensure the minimisation of air overpressure generated by blasting at source, considering such factors as initiation technique. The mineral operator should submit methods to minimise air overpressure to the Mineral Planning Authority for approval.

Monitoring and Control

- The mineral operator should design blasting operations taking into account the findings of this report. Should mineral extraction operations recommence at the site, the first blast shall be deemed a test blast from which a site specific regression line shall be derived, it is this site specific line which should be interpreted when designing blasting operations at the site. When blasts are designed at the site the separation distance to the closest vibration sensitive receptors should be established to ensure that the maximum

instantaneous explosive charge weight utilised will comply with the relevant vibration criterion.

- Upon any recommencement of mineral extraction operations, the programme of blast monitoring should be continued. The results of such monitoring will indicate whether or not there is compliance with the vibration criteria and they can also be used to continually update the regression analysis and thus provide valuable input to the design of future blasts.
- With the above control recommendations implemented and the exercise of reasonable engineering control over quarry blasting operations, it is envisaged that the quarry will work within the vibration criteria and without undue annoyance to local residents.

Ecological Impact Assessment

- The Proposed Development is the extended use of an already existing quarry with variations of approved schemes of working and restoration. The application will have a minimal negative impact on the site as it is currently of such low ecological value. The restoration scheme will provide a significant improvement of the habitat on the site for the benefit of all wildlife and will enhance the overall ecological value of the site.
- In addition to retaining boundary hedgerows the restoration scheme includes for the provision of:-
 - Retained rock faces.
 - 1,100m of new hedgerow planting.
 - Two new areas of woodland planting.
 - Fourteen new Great Crested Newt Mitigation Ponds to be managed for the lifetime of the quarry.
 - Large areas of enhanced terrestrial habitat including hibernacula for great crested newts.
 - Retained and managed grassland and scrub areas.

All other areas will be returned to arable farmland

Bat transect surveys of the site confirm that there is a small population of common bat species that forage on the site and particularly in sheltered areas and along the hedgerows around the outside of the site. The works will therefore result in no impact on Roosting bats but a Minor Negative Impact of Local Importance on foraging bats. As mitigation, approximately 1,100m of new hedgerows will be planted using locally sourced native plant species during the restoration stage. In addition, fourteen new ponds are to be created and these will generally result in an increase in the number of insects on site for the bats to feed on.

Transportation Assessment

- Future access would be via the existing Quarry access on the A57 Worksop Road, which has been designed for regular use by heavy goods vehicles. The access would be removed on completion of the restoration operations at the Quarry.

- The Quarry is expected to employ around 5 operational staff who would generate a small number of traffic movements. In any event, these trips are unlikely to take place at peak times due to the shift patterns of the Quarry and are considered insignificant in the context of this assessment.
- Staff are encouraged by Tarmac to travel to site sustainably wherever possible, mainly through shared travel arrangements.
- The main impact from the Quarry on the surrounding highway network would be due to haulage vehicle movements, although traffic generation from all elements of the site operations is expected to be very low at approximately 8 haulage vehicle movements per hour (4 in/ 4 out) on average – up to a maximum of 13 haulage vehicle movements per hour (6.5in/ 6.5 out). These are typically expected to split 75% to/from the west and 25% to/from the east.
- A review of baseline highway conditions concluded that:
 - Harrycroft Quarry has good existing access arrangements direct to the A57, which is the main strategic highway route in the area and links the Quarry to all of its key markets.
 - The A57 has been significantly improved in recent years to the east of M1 Junction 31 to upgrade a former single carriageway section to dual carriageway.
 - Existing traffic flows on the A57 are high, although significantly below past peak levels.
 - There are no apparent traffic accident trends that would be of concern in the context of continuation of an existing approved quarrying operation; and:
 - Overall, the local highway network is appropriate for Quarry traffic.

Noise Assessment

- Site noise calculations have been undertaken for five locations, taken to be representative of the nearest noise sensitive premises to the proposed recommencement of site operations. The calculated site noise levels are presented for inspection and comparison with the existing and suggested site noise limits at those locations.
- The calculated overall “reasonable worst case” site noise levels for routine operations on site are at or below the suggested site noise limits at all receiver locations considered when the rock drill is not operating on the uppermost rock head within 650 metres of South Anston.
- The use of the rock drill at the highest elevation can be addressed by considering rock drilling during the campaign mineral extraction to be a temporary operation subject to a higher site noise limit of 70 dB LAeq, 1 hour free field for the periods in which the rock drill is operating on the uppermost rock head within 650 metres of South Anston. The rock drill is expected to be in use no more than 40 days per year.
- Since the proposed operations on site conform to the advice set out in the Planning Practice Guidance with regard to routine and temporary operations and the existing night time noise limit for RAP/construction and demolition waste delivery and tipping, it is considered that the site can be worked while keeping noise emissions to within environmentally acceptable limits.

Landscape and Visual Impact Assessment

- The Proposed Development (the Operational Period and the residual restoration) is very similar to the consented scheme and complies with the requirements of the specific planning policies relating to effects on the landscape and visual amenity.
- Adverse and beneficial effects will result from the Proposed Development, with the numerous beneficial landscape and visual effects being experienced permanently and phased in progressively and the adverse effects being temporary in absolute terms.
- The Short-term duration of adverse effects could be considered, in overall terms, to at least be balanced out, and probably outweighed, by the permanent landscape and visual improvements that could be brought about by the Proposed Development to the Site and the surrounding area.

Archaeological desk based Assessment

- Archaeological evidence so far recovered from the area covers a considerably wide time-frame, from the late Upper Palaeolithic to the present day. The archaeological potential of the study area can therefore be considered as particularly diverse.
- Walkover survey identified no significant archaeological features. Although the southwest quarter has not been fully quarried away, all of the surface is disturbed and the soil overburden has been removed, indicating that the archaeological potential in this area is low. The strip of land between the quarry and the access track does not appear to have been quarried, but the hummocky ground and the presence of hard standing suggests that disturbance has taken place and that the archaeological potential for this area is also low. Proposed extension areas to the west were under arable cultivation at the time of site visit. Although no features of potential archaeological interest were observed this area is otherwise undisturbed and will have higher potential.

None of the rock faces that could be seen contained any caves or fissures that could act as sediment traps and contain archaeological remains from past human use or material washed into them.

- Worthy of weighing up against the archaeological potential is a statement made by Doncaster Metropolitan Council in its 2013 'Local Aggregate Assessment'. The document states that Harrycroft has been identified as a 'historic source of building material for prestige buildings and is therefore a likely source of architectural and dimension stone for heritage restoration projects'. The quarry is understood to be providing dimension stone to nationally significant projects. The quarry therefore has potential as a heritage asset in its own right.

Flood Risk Assessment

- A number of surface water management measures will be incorporated into the development of the site to ensure that the surface water flood risk to and from the site is appropriately mitigated. The proposed restoration of the site will provide a landform similar to the surrounding land.
- The proposed quarry workings at Harrycroft are considered appropriate in accordance with NPPF and therefore it is anticipated that this can be delivered safely in regards to flood risks.

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) (noted in Appendix B of the Core Strategy).

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

Core Strategy policy(s):

CS4 'Green Belt'
 CS15 'Key Routes and the Strategic Road Network'
 CS20 'Biodiversity and Geodiversity'
 CS26 'Minerals'
 CS 27 'Community Health and Safety'

Unitary Development Plan 'saved' policy(s):

ENV1.2 'Development in Areas of High Landscape Value'
 ENV2 'Conserving the Environment'
 MIN5 'Criteria in the Assessment of all Mineral Extraction Proposals'
 MIN6 'Methods and Control of Working'
 MIN7 'Recycling'
 MIN8 Advance Extraction

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

Publicity

The application was advertised by way of neighbour notification letter, site notice and in the press. 11 letters of objection have been received including one from Anston Parish Council. A petition objecting to the application has been signed by 120 people. Objections raised are:

- The weekly blasting will result in damage to nearby properties.
- The proposal will result in excessive highway movements on the busy A57, through South Anston.
- There is no justification to extend the mining for another 15 years.
- The quarry generates excessive mud and dust onto the adjoining A57.
- The proposed working hours beginning at 6am is unacceptable.
- The proposal is detrimental to noise and air pollution.

Anston Parish Council state that:

- There could be a huge impact on wildlife (the nearby SSSI location hosts protected species).
- The South Yorkshire Bat Group confirmed that Bat Swarming is an unusual phenomenon and only happens in a couple of locations in South Yorkshire to their knowledge, Anston being one of them. The unused quarry supports roosting bats and is very close in proximity to an SSSI site.
- There were concerns relating to the proximity to and inevitable impact upon a SSSI site
- Concerns relate also to the impact on traffic volume, condition of the roads and road safety.
- Concerns relate also to the impact on neighbours /residents who have complained in the past about dust in their homes.

In addition a Local Bird group (SK58 Birders) has written in supporting the application due to all the different habitats being created and subject to the following:

- Part of the existing cliff face will be retained on completion and during current working operations for the current Peregrine Falcons, Barn and Little Owl and Jackdaws.
- Provide and retain nesting areas and small Wader scrapes for the breeding Little Ringed Plovers on completion of the work and while the work is being carried out.
- Retain an area on completion of the work and while the work is being carried out for the population of Marble White butterflies.

One objector has requested a right to speak.

Consultations

RMBC- Highways and Transportation Unit: Accepts the conclusion in the Transportation Assessment (TA) that the extension of the operational life of the quarry to the end of 2031 would not have a significant highway impact. The TA outlines that an average of 200,000 tonnes per annum (300,000 tonnes maximum) of limestone reserves would be extracted with the restoration requiring the import of some 40,500 cubic metres per annum on average of inert material (110,000 cubic metres maximum). Recycling operations on site would continue within the 25,000 tonnes per annum limit of the existing permission. Traffic generation from all elements of the site operations will average 8 haulage vehicle movements per hour (4 in/4 out) up to a maximum of 13 movements per hour (6.5 in/6.5 out).

Whilst the TA concludes also that no mitigation measures are considered necessary, the Transportation Unit do not share this view. Some of the existing “junction ahead warning signs” in the A57 are in need of replacement due to their poor reflective properties, with suitable passively safe posts.

This would involve also the cutting back of vegetation to improve motorists’ forward visibility to the signs. The estimated cost of this work, which includes the required traffic management measures, is £10,130. This should be secured by a S106 Agreement.

RMBC – Environmental Health: There is potential for noise, dust and vibration from the proposals to nearby residential even though no noise complaints have been received since 2006. Road traffic and vehicle movement on site including sirens/reversing beepers will increase noise levels in the area as the production levels increase at the quarry in order to meet demand.

In the light of the above, it is recommended that if planning permission is granted in relation to this application, the same conditions as application RB2010/1308 are incorporated, as well as a condition requiring the operator to submit methods to minimise air pressure to the Local Planning Authority for approval prior to commencing operations on site.

RMBC – Ecology: No objections to varying the conditions. However the parts mentioned in the scoping document which appear not to have been completed such as the Phase 2 vegetation survey, invertebrates and assessment of cliffs for birds, bats (and plants) should be undertaken and could be conditioned.

RMBC – Drainage: No objection subject to the scheme being carried out in accordance with the submitted Environmental Statement and Flood Risk Assessment.

South Yorkshire Archaeology Service: No objections.

South Yorkshire Mining Advisory: No objections.

Environment Agency:

No objections

Natural England: Has no comment to make on the application.

Derbyshire County Council – No objections

Appraisal

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

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

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

The main issues to be considered in the assessment of this application are:

- The principle of development
- The implication on neighbouring amenity
- Impact upon traffic and highway safety
- The impact on ecology/biodiversity.

The principle of development

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

Policy ENV1.2 'Development in Areas of High Landscape Value,' states that: "Development other than agriculture will only be allowed where it will not result in a significant and permanent adverse impact on the landscape and adds that strict control will be exercised over any development that does take place to ensure that the visual character of these areas is not affected."

Paragraph 90 to the NPPF 90 states: "Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations"

Paragraph 142 adds that "Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation."

UDP Policy MIN5 'Criteria in the Assessment of all Mineral Extraction Proposals states: "Proposals for mineral working will be assessed with regard to the following considerations:

- (i) (the effect on local amenity in terms of visual impact, blasting, dust, noise and other potential disturbance, taking into account any protective measures which are proposed,
- (ii) the likely duration of working,
- (iii) the proposed final appearance and landform of the site,
- (iv) the effect on landscape, including areas of High Landscape Value, attractive villages and Borough heritage sites,
- (v) the effect of working and restoration (especially where waste disposal is involved) on water resources, including pollution and possible disturbance to surface drainage and groundwater levels. It will be expected that waste disposal is evaluated as a mechanism for restoration and that it is adopted, wherever feasible and Page 170 compatible with the intended after-use and environmental considerations,
- (vi) the impact on the best and most versatile agricultural land. Where minerals development is proposed on such agricultural land involving restoration to agricultural use, the objective will be to restore this land to its previous agricultural quality or better if reasonably practical. Amenity or forestry may be appropriate alternatives to agricultural use, but in such cases restoration and aftercare steps should enable the retention of the land's longer term potential as a high quality agriculture resource,
- (vii) the amount of agricultural land take, with release of land being restricted to that which is reasonably required for carrying out the working in accordance with the best existing techniques,
- (viii) the suitability of restoration and aftercare proposals to return the development site to a beneficial after-use once working has ceased,
- (ix) the effect on farm structure, the likely effectiveness of restoration proposals and the effect on agricultural productivity by reason of noise, dust or traffic disturbance, both of the land the subject of the proposal and adjoining agricultural land,
- (x) the effect which traffic generated by the proposal will have on road safety, property and the amenities of the people living in the vicinity of the development, or along the transportation routes likely to be used,
- (xi) the availability or provision of adequate access to a suitable highway, and
- (xii) the potential for non-road transport opportunities, the use of canal, rail, pipeline or conveyor facilities being encouraged in order to reduce disturbance caused by road traffic, wherever physical and economic factors permit."

UDP Policy MIN6 'Methods and Control of Working' states: "Surface mineral working will be required to be carried out in such a way as to minimise its impact on the locality and to secure an appropriate form of restoration to a suitable standard within an agreed timescale. The operator will be required to carry out development in accordance with an agreed scheme of working and restoration which will be approved as part of the grant of planning permission, and to have regard to the Council's Supplementary Planning Guidance on methods and schemes of working and restoration."

UDP Policy MIN7 'Recycling' states: "The Council will encourage the recycling of aggregates, fuel recovery, and the wider use of waste materials as substitutes for

mineral products wherever this is feasible and where it can be carried out in an environmentally friendly manner.”

UDP Policy MIN8 ‘Advance Extraction’ states: “The Council will, wherever practicable, safeguard viable mineral resources from sterilisation by surface development, or will permit the minerals to be extracted before surface development takes place. Where any form of development is to be permitted in a location where surface mineral reserves are workable, then, subject to appropriate environmental safeguards being met, it will be expected that the mineral reserves will be extracted in advance of the development wherever this is feasible and where the resultant landforms will be compatible with the intended after-use.”

In addition, the Core Strategy identifies the site as an area with permission for ‘Surface Mineral Working Limestone’ and ‘Waste/Controlled inert waste.’ Core Strategy Policy CS26 ‘Minerals’ states: “Limestone Aggregates - Provision will be made to ensure an appropriate contribution towards the sub regional apportionment figure for crushed rock (identified in the Local Aggregate Assessment) for the plan period and jointly with Doncaster Council will aim to maintain a minimum land bank equivalent to ten years’ sales.

Preferred Areas for the future working of limestone aggregates will be suitable extension(s) to the existing Harry Crofts Quarry. Proposals for new quarries or extensions to existing quarries will be considered with regard to the need to maintain the land bank in accordance with national policy, and whether they are necessary to maintain apportioned provision for South Yorkshire.”

The limestone from Harry Croft Quarry is required to meet both regional and local needs and is the only such quarry within the Borough. Such demand for limestone cannot be satisfied by recycled materials and the continuation of extraction is thus needed if the Council is to contribute towards regional aggregate totals. If extraction at the site is not continued, then there would be a need to look at alternative sites elsewhere.

The applicant proposes a comprehensive restoration program which will restore the site gradually and provide additional wildlife benefits. As such any harm to the Green Belt will only be temporary.

The principle of the quarry on site has long been established and was upheld at appeal in 2009.

With the above circumstances in mind it is considered that the principle of the development is acceptable and in accordance with the UDP and Core Strategy Policies and the NPPF. The further implications of allowing the extended timescale for the scheme are now considered.

The implication on neighbouring amenity

The NPPF at paragraph 17 states planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

UDP Policy ENV3.7 states “The Council, in consultation with other appropriate agencies, will seek to minimise the adverse effects of nuisance, disturbance and

pollution associated with development and transport. Planning permission will not be granted for new development which; (i) is likely to give rise, either immediately or in the foreseeable future, to noise, light pollution, pollution of the atmosphere, soil or surface water...”

The area is rural in nature with residential properties nearby which could be affected by noise and vibration from the works proposed. The site extracts limestone resources from Permian magnesium limestone formation using traditional shot firing techniques.

The vibration assessment has been conducted in accordance with BS 7385-2 1993, BS5228-2: 2009 + A1:2014 & makes reference to MPG 9 and 14. The MPG guidance refers to limits on the time of blasting and ensuring limits are not exceeded and methods to be employed minimising air pressure.

The prediction and control of vibration levels is to use a scaling approach utilising separation distances and instantaneous charge weights which the report uses to calculate the possible effects on nearby residential properties.

A face height of 15 metres has been used for the purpose of the assessment, a loading density of 12kg per metre and 4 metre of stemming which gives rise to an explosive charge weight of 132kg.

The report also suggests that it is totally impracticable to set a maximum air overpressure limit, with or without an appropriate percentile of exceedances being allowed, due to varying weather conditions. However practical measures should be adopted to ensure minimisation of air pressure generated by blasting at source considering factors such as the initiation technique. Therefore the operator should submit methods to minimise air pressure to the Local Planning Authority for approval prior to commencing the operations on site.

Table 3 in the report predicts the vibration levels that will be experienced at the four sensitive locations based on the criteria above. It would appear that the BS 7385-2:1993 can be met.

Impact on traffic and highway safety

The NPPF notes at paragraph 32 that: “All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

Paragraph 34 to the NPPF further goes on to note that: “Plans and decisions should ensure developments that generate significant movement are located where the

need to travel will be minimised and the use of sustainable transport modes can be maximised.”

CS15 ‘Key Routes and the Strategic Road Network’ states:

“The Key Route and Motorway network will provide efficient access between the main Rotherham Urban Area, Principal Settlements and the regional and national road network. This will be achieved by:

- a. Concentrating through traffic on Motorways and ‘A’ Roads with best use being made of the existing road capacity to enable this.
- b. Improving specific Key Routes to manage congestion including traffic management measures, bus priority and facilities for cyclists and pedestrians.
- c. Integrating Park and Ride projects into bus priority schemes where they create a demonstrable reduction in vehicle mileage and are proven to be self financing.
- d. Concentrating road based freight onto those key routes where it would not have an unacceptable impact on local communities.

Investment in key routes will be complemented by improved links for public transport, walking and cycling into the communities they serve. Where a key route passes through a community or acts as the main transport link between communities, it will be modified to reflect the needs of local people with priority given to accommodating vulnerable road users”.

In this instance the limestone can only be extracted from this location and this has to be taken into account when considering the traffic implications.

The Transportation Assessment (TA) submitted with this application has been reviewed and the Council accepts its conclusion that the extension of the operational life of the quarry to the end of 2031 would not have a significant highway impact. The TA outlines that an average of 200,000 tonnes per annum (300,000 tonnes maximum) of limestone reserves would be extracted with the restoration requiring the import of some 40,500 cubic metres per annum on average of inert material (110,000 cubic metres maximum). Recycling operations on site would continue within the 25,000 tonnes per annum limit of the existing permission. Traffic generation from all elements of the site operations will average 8 haulage vehicle movements per hour (4 in/4 out) up to a maximum of 13 movements per hour (6.5 in/6.5 out).

Whilst the TA concludes also that no mitigation measures are considered necessary, the Transportation Unit does not share this view. Some of the existing “junction ahead warning signs” in the A57 are in need of replacement, due to their poor reflective properties, with suitable passively safe posts. This would involve also the cutting back of vegetation to improve motorists’ forward visibility to the signs. The estimated cost of this work, which includes the required traffic management measures, is £10,130. The applicant has agreed to the imposition of a S106 to secure improvements to road signs.

The extension of the lifetime of the quarry is therefore considered to be acceptable in highway safety terms and the local road network can accommodate the demand. As such the proposal would satisfy the provisions of paragraphs 32 and 34 of the NPPF.

The impact on ecology/biodiversity.

In assessing the ecological/biodiversity issues, UDP Policy ENV2 'Conserving the Environment' states:

"In considering any development, the Council will ensure that the effects on the wildlife, historic and geological resources of the Borough are fully taken into account. In consultation with the relevant national agencies and local interest groups, the Council will ensure the protection of these resources while supporting appropriate development which safeguards, enhances, protects or otherwise improves the conservation of heritage interests.

The Council will only permit development where it can be shown that:

- (i) development will not adversely affect any key environmental resources,
- (ii) development will not harm the character or quality of the wider environment, and
- (iii) where development will cause environmental losses, these are reduced to a minimum and outweighed by other enhancements in compensation for the loss."

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

The applicant's supporting information describes the site as having low ecological value. The Council's Ecologist accepts that this may be true now but this reflects a long history of quarrying and of intensive modern agriculture. The site is surrounded by sites of high ecological value such as Anston Stones Wood SSSI and Lindrick Golf Course SSSI as well as several local wildlife sites. Since Harry Crofts Quarry is also located on the same magnesian limestone as these wildlife sites, the likelihood is that with a lack of human intervention, over time, this area too could have been of equal value.

With sympathetic habitat management, some of this interest can be restored. The calcareous grassland areas are amongst the most important habitats and these should be retained and suitably managed (which is part of the restoration proposals). Soils on magnesian limestone are typically thin and nutrient poor and the Council's Ecologist would therefore not support the import of large quantities of topsoil, heavy use of fertiliser, use of purchased seed mixes, etc. He would prefer the restoration to use the soils stored on site and where seeds required, they should be harvested from local wildlife sites. Sheffield & Rotherham Wildlife Trust could help in this and in ongoing management. For the areas restored to a nature conservation after-use, use of ryegrass is not appropriate because it is competitive and leads to relatively sterile areas of low ecological value. He considers that natural re-generation of vegetation in some areas at least would be beneficial.

The Council's Ecologist would also advocate areas of irregular topography, leaving compacted/bare areas and leaving bare limestone cliffs. As well as habitat for rare nesting birds, the latter can also be good for plants since it is difficult for sheep, rabbits and deer to graze these. A habitat assessment of the cliffs principally in relation to nesting birds and bats is mentioned in the scope (para 3.2.5) but does not

appear to have been done, as such a condition has been attached requiring further survey work.

Conclusion

The principle of the quarrying on this site has previously been accepted and the application to vary conditions and extend the mineral extraction until December 2031 is acceptable. The proposal retains a comprehensive restoration following the end of mineral extraction, which will have potential ecological gains. Furthermore it is preferable to have the minerals quarried from the site and then the site restored, rather than sterilising the minerals which are there.

As such the proposal accords with UDP policies, Local Plan Policies and the NPPF and it is recommended that planning permission be granted subject to the signing of the S106 agreement and the following conditions.

Conditions

01

The permission hereby granted shall be carried out only in accordance with the details and specifications indicated on the plans presented in the Environmental Statement, and in accordance with details submitted October 2016. Mineral extraction shall be completed by 31 December 2031 and ongoing progressive restoration by importation with inert waste materials shall be completed by 31 December 2033.

Reason

To limit the extent and duration of the permission in the interests of amenity and to permit the land to be restored/redeveloped in accordance with Policies MIN 6 of the adopted Unitary Development Plan.

02

No later than 31 December 2033 referred to in Condition 1 above, mineral extraction and restoration works (excluding aftercare) shall have ceased and the site shall have been restored, treated and brought to a state suitable for agriculture in accordance with the conditions set out below and as shown on the approved restoration Plan Ref H321/00007.

Reason

To limit the extent and duration of the permission in the interests of amenity and to permit the land to be restored/redeveloped in accordance with Policies MIN 6 of the adopted Unitary Development Plan.

03

A copy of the approved scheme of tipping/restoration/after care and a copy of this planning permission shall be available for inspection by site operatives and contractors working on the site at the site office at all times.

Reason

For the avoidance of doubt, and to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

04

Not less than seven days notice shall be given in writing to the mineral planning authority before any soil stripping and/or replacement commences. Top soil, sub soil, and soil making material shall only be stripped, spread or worked in dry weather and when the soil is in a dry, friable condition.

Reason

To enable the Mineral Planning Authority to monitor the development and to ensure that all available soil resources are preserved intact as the development proceeds such that the land can be returned to beneficial agricultural use on completion of operations, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

05

On completion of the extraction operations or the termination of the period referred to in Condition 1 above, all buildings, hardstanding areas, roadways, plant, equipment, structures and the whole of the quarry access road to its junction with the (A57) Worksop Road shall be removed from the site and the land restored in accordance with the restoration and aftercare requirements of the conditions below, and the access point to Worksop Road shall be closed and the highway/highway verge reinstated in accordance with details which have previously been submitted to and approved in writing by the mineral planning authority.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

06

Should for any reason mineral extraction or waste infill from the site cease for a period in excess of 12 months then, within three months of the receipt of a written request from the mineral planning authority, a revised scheme for the restoration of the site shall be submitted in writing to the mineral planning authority for the approval of the mineral planning authority. The approved, revised restoration scheme shall be implemented within 12 months of its approval by the mineral planning authority.

Reason

To ensure that in the event of premature cessation of activities the land may still be satisfactorily restored to beneficial use, in accordance with Policy MIN 6 of the adopted Unitary Development plan.

07

Prior to the recommencement of development, a programme of archaeological work shall be implemented in accordance with a written scheme of investigation and a recording of findings to be submitted to, and approved in writing by, the mineral planning authority.

Reason

To ensure that any archaeological remains are recorded and preserved in accordance with ENV2 of the Unitary Development Plan.

08

All mineral extraction and tipping operations shall be confined to the area shown outlined in red on Plan Nos. H321/00005 and H321/00006

Reason

For the avoidance of doubt, and to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

09

Access to and egress from the site for the purposes of this development shall be solely from the (A57) Worksop Road as shown on Plan No. LAF/HY/03-06/12789 Rev A.

Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

10

The access to the quarry shall be maintained and kept in a clean condition for the duration of all extraction, earth moving and tipping operations/works on the site. Measures shall be taken to prevent the deposition of mud, dust and other materials on the adjoining public highway caused by vehicles visiting and leaving the site. Any wheel/chassis cleaning facilities provided on site shall be maintained in good working order and any accidental deposition of mud, dust and other materials on the quarry access road or the public highway shall be immediately removed.

Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

11

All lorries loaded with aggregate leaving the site shall be securely and effectively sheeted.

Reason

In order to ensure that the development does not give rise to problems of mud/dust on the adjoining public highway in the interests of general highway safety/amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

12

Notwithstanding the provision of Part 17 of the Town and Country Planning General Permitted Development Order 2015, no building or immobile plant shall be erected on the site without the prior written approval of the Mineral Planning Authority.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

13

Any fuel and oil supply tanks shall be surrounded by bund walls of sufficient height, length and breadth so as to contain at least 110% of the storage capacity of the tanks and any associated pipework in the event of a spillage. The floor and walls of the bunded area so created shall be impervious to water and oil.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

14

The importation of waste materials for deposit in the quarry void shall be limited to clean inert material.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

15

Working shall be carried out so as not to endanger the stability of the surrounding land. The site shall be worked and restored progressively, as indicated on Plan No.H321/00006 dated 04/11/2016 and as detailed in the approved Environmental Statement dated November 2016. This information shall be updated annually in the form of a report to be submitted to the mineral planning authority identifying restoration work completed during the previous twelve months and proposed restoration work for the next twelve months. The first report shall be submitted within twelve months of the date of the recommencement of works.

Reason

In order to maximise the quality of restoration works carried out, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

16

Except in case of emergency and with the exception of those activities covered by Conditions 17 and 23 below, no operations shall take place on the site other than between the hours of 0700 and 1800 Mondays to Fridays and between the hours of 0700 and 1300 on Saturdays. There shall 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 mineral 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 local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

17

The loading of stone for sale shall only take place during the hours of 0600 to 1800 on Mondays to Fridays and between the hours of 0700 to 1300 on Saturdays. No

such operations shall take place on Sundays or public holidays. All loading of vehicles prior to 0700 hours shall take place only within the area shown as phase 5 on Plan No. LAF/HY/03-06/12788.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

18

The recycling element of the scheme shall be located in accordance with Plan No. H321/00005 and operated in accordance with the original supporting statement dated November 2001 and the letter dated 1 May 2002.

Reason

To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

19

Waste recycling operations shall be carried out only on an area with an impervious base.

Reason

To ensure that the development does not give rise to problems of pollution to underground strata or adjoining watercourses, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

20

No more than 25,000 tonnes of inert material for recycling shall be delivered and processed at the site in any twelve month period.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

21

Stockpiles of material awaiting recycling or which has been recycled shall be no higher than 3 metres above the level of the quarry floor.

Reason

To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

22

The recycling operations shall only be operated in accordance with a noise attenuation scheme which has been submitted to and approved in writing by the Mineral Planning Authority.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

23

When road planings are delivered to the site outside of the hours that the quarry is usually open as set out in Condition 16 above, this should be at a rate of no more than seven deliveries by lorry per hour during the hours that the quarry is usually closed. During the hours when the quarry is usually closed, noise emissions from the site shall not exceed 45d B (A)Leq, 10 mins, or 5d B(A) above background at least 3.5 metres from the nearest façade of Anston Grange Farm or the nearest residential property.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

24

Seven days notice shall be given to the mineral planning authority prior to the commencement of the importation of road planings outside normal working hours.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

25

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 other equipment, arising from the quarrying activities. All reversing sirens fitted to site vehicles shall comply with BS6912. 1990, Safety of Earth moving Machinery Part III (sound test method for machine mounted forward and reverse warning alarms).

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

26

During the working hours permitted in Conditions 16 and 17 above, the A weighted equivalent continuous free field noise level (Leq dB(A), (1 hr.)) attributable to the operations shall not exceed the calculations set out in table 9 of the applicant's Environmental Statement dated November 2016.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

27

At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures shall include water bowsters, sprayers whether mobile or fixed, or similar equipment, upward pointing exhausts, wind fences and control of vehicle speeds within the site and on haul roads. At such times when due to site conditions the prevention of dust nuisance by these means is impracticable, then movements of soils, stone, overburden and inert waste material shall be temporarily curtailed until

such time as the site/weather conditions improve such as to permit a resumption of these operations.

Reason

In the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

28

Except in case of emergency, blasting operations shall be carried out only between the hours of 11.00 and 12.00 and 14:00 and 16:00. on Mondays and Fridays and not at all on weekends, or public holidays and shall be limited to no more than three times per week.

Reason

To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

29

Blasting charges shall be so regulated to ensure that during any period of thirteen consecutive weeks as operations progress, ground vibrations produced shall not exceed a peak particle velocity in any plane of 6 mm/second at the 95% confidence limit, with no blast producing a peak particle velocity in any plane greater than 12 mm/s-1 measured at the ground surface adjacent to the nearest property to the blast. If monitoring results from any blast exceed a peak particle velocity in any plane of 6mms-1 all further blasting will be suspended pending an investigation into the blast design and monitoring data. In devising and implementing the blasting programme for the site, the operator shall at all times employ the best practicable means in order to minimise noise, vibration and air over pressure caused by blasting.

Reason

To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

30

A blast database shall be established and kept up to date to include all information from blast monitoring data so that site specific factors can be calculated to aid accurate prediction and blast design. During each blasting campaign monitoring at multiple locations shall be carried out in order to plot a regression curve. The database shall be used to review the impact of blasting and associated processes on the nearest noise/ vibration sensitive property and advise the future blasting programme prior to the commencement of each new phase of blasting. An annual independent review of the data shall be carried out and submitted to the mineral planning authority.

Reason

To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

31

If the results of monitoring of any blasting operation on the site exceed 3mms-1ppv, the operator shall review the blasting specification and assess the reasons for the exceedance. The operator shall also consider whether the specification of the blast could have been reduced, having regard to the need to minimise disturbance off site. Where the operator considers that the blast could have been reduced, this shall be taken into account when determining the next blast specification. The reasons for the exceedance and the result of the operator's consideration on the reduction of the specification shall be kept in a written log and made available to the mineral planning authority.

Reason

To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

32

In devising and implementing a blasting programme for the site, the operator shall at all times employ the best practicable means in order to minimise noise, vibration and air over pressure caused by blasting. The operator shall provide and install all necessary monitoring equipment to carry out vibration and air pressure measurement, in accordance with arrangements and at a location or locations to be submitted to and approved in writing by the mineral planning authority. In addition to the collation of blasting records into a monitoring database to enable consideration of blast monitoring data and other site specific factors to be submitted quarterly through the site liaison meeting, the blasting results shall be submitted in writing to the mineral planning authority at the end of each week during blasting campaigns.

Reason

To ensure that the development is carried out in an orderly manner with minimal disturbance to the locality and in the interests of local amenity, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

33

All topsoil and subsoil shall be stripped in advance of working and where not immediately employed shall be separately stacked along the northern boundary of the quarry or the soil storage area in the south of the quarry in a location to be agreed with the mineral planning authority and in accordance with details contained in the Environmental Statement. All such materials shall be retained on site and prevented from mixing and contamination. Such stacks shall not be traversed by heavy vehicles or machinery except during stacking or re-spreading. The stacks shall be regularly formed and maintained in a tidy and weed-free condition for the duration of their presence on the site and so as to be available for subsequent agricultural reinstatement of the land.

Reason

To ensure that all available soil resources on the site are efficiently stripped in a controlled manner, retained on site, and suitably stored free from risk of contamination, ready for use in subsequent restoration, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

34

The material to be tipped shall be deposited progressively by methods of controlled tipping which accord with the terms of the improvement conditions contained in the PPC permit issued by the Environment Agency. All waste material shall be deposited within the excavations and re-spread evenly to conform to the approved finished contours as shown on Plan No. H321/00007. No waste material either derived from the quarry or brought into the site shall be deposited above the general level of the surrounding original land.

Reason

In order to maximise the quality of restoration works carried out, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan

35

For the duration of the development hereby permitted measures shall be taken to protect all existing trees and/or hedgerows on the site which are outside the approved operational areas from wilful damage or destruction and no trees and/or hedgerows shall be lopped, topped or felled without the prior written approval of the mineral planning authority. Any trees and/or hedgerows removed without such approval or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with trees/plants of such size and species as may be approved in writing with the mineral planning authority.

Reason

To protect existing vegetation and ensure that the land is returned to a beneficial after use on completion of operations, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

36

Restoration shall be carried out progressively across the site in accordance with the approved scheme indicated on Plan Nos. H321/00006 and H321/00007 and in accordance with the details contained in the Environmental Statement and the good practice notes drawn up by the Natural England.

Reason

To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

37

The graded tipped surfaces shall be progressively achieved as shown on Plan Nos. H321/00006 and H321/00007 and in accordance with the Environmental Statement. Following tipping operations and the placement of the soil, the soil shall be cultivated to bring the topsoil to a suitable agricultural tilth.

Reason

To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

38

Within three years of the date of this permission, a scheme shall be submitted for the written approval of the mineral planning authority detailing how a minimum of 3ha of calcareous grassland shall be created on that part of the site within the

ownership of Tarmac Aggregates. The submitted scheme shall include the timescale for the establishment of the grassland. Thereafter, the grassland shall be maintained as part of the aftercare scheme for the site.

Reason

To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

39

Restored surfaces shall be free from ponds and standing water and such land drainage works as may be necessary (both as tipping operations proceed and in relation to finally restored surfaces following settlement) shall be effected by the operator in accordance with details which have been submitted to and approved in writing by the mineral planning authority. Any restored area which is affected by surface ponding or by local settlement shall be infilled with topsoil and re-graded to the approved contours or with the prior written approval of the mineral planning authority, rectified by additional works such as to render effective the overall drainage provisions relevant to the approved scheme.

Reason

To ensure that the development does not give rise to drainage problems, to give effect to the requirement of Policy MIN 6 of the adopted Unitary Development Plan.

40

Trees, shrubs and hedgerows shall be planted on the site in the areas shown on Plan No. H321/00007 within the first available planting season after infilling of the areas shown on Plan No. H321/00007, trees and/or shrubs shall be planted on the site in accordance with a scheme to be submitted to and approved in writing by the mineral planning authority, such scheme to provide for species, siting, planting distances, programme of planting and maintenance to establishment and any plants dying, removed or destroyed within five years of planting shall be replaced in a manner for the prior approval of the mineral planning authority.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

41

Upon completion of restoration works in each phase shown on Plan No. H321/00006 the land shall be managed for a period of five full growing seasons in accordance with an aftercare scheme(s) which shall have received the prior approval of the mineral planning authority and which shall specify the steps to be taken to bring the land to the required standard for use for agriculture. The scheme(s) shall include:

(a) Annual meetings attended by the mineral planning authority to appraise the effectiveness of aftercare and to assess any further measures which may be required in the following year;

(b) Sub-soiling, cultivation, fertilising, liming, seeding to grass and management of the grass sward by grazing or mowing, together with such drainage/under drainage works as may be necessary as restored areas become established throughout the duration of the aftercare period; and

(c) Prior to the annual meeting all restored soils shall be sampled at six samples per hectare and at a depth of 15 cm (in accordance with Natural England advice to assess fertiliser and lime requirements). The results of such analysis shall be supplied to the mineral planning authority and made available to the annual meeting.

Reason

To enable the envisaged afteruses to become established, in accordance with Policy MIN 6 of the adopted Unitary Development Plan.

42

In the event that site activities should cease for a period in excess of three months, development shall not recommence until all potential habitats for protected species within the area of development have been investigated by a qualified ecologist and a report of the investigation has been submitted to and approved by the mineral planning authority. In the event that protected species are present the report shall provide a working design, method and timetable to investigate any undue adverse effects on the species involved. The mitigation measures shall be implemented as approved.

Reason

To ensure that the land is returned to a beneficial afteruse on completion of operations, in accordance with Policy MIN 6 and Policy ENV3.2 of the adopted Unitary Development Plan.

43

The Phase 2 vegetation survey, invertebrates and assessment of cliffs for birds, bats (and plants) set out in the scoping report should be undertaken prior to the quarry being brought back into use. The survey should be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interest of ecology.

44.

Prior to the commencement of the quarrying on site details of methods to minimise air pressure during blasting shall be submitted to and approved in writing by Local Planning Authority.

Reason

In the interest of neighbouring amenity.

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 7, 43 and 44 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning

condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.

ii. The details required under condition numbers 7, 43 and 44 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

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	RB2016/1677
Proposal and Location	Erection of 1 No. bungalow at land rear of 125 Laughton Road, Thurcroft, Rotherham S66 9BP
Recommendation	Grant Conditionally

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



Site Description and Location

The site of application forms part of the rear garden area of No. 125 Laughton Road, Thurcroft. The garden area is large and dog legs behind the immediately neighbouring properties of Nos. 121 and 123 Laughton Road. To the east of the site

is Howards Close with Steadfolds Close to the north west and Autumn Close to the north-east.

There is also a strip of land that runs from the main garden area between the rear gardens of properties on Steadfolds Close (to the north) and the rear garden of 3 Howards Close (to the east) which links to a public footpath which runs to the east of the properties on Howards Close.

The site in question is located on sloping land and is significantly lower down than the host property.

Background

The relevant planning history is as follows:

RB1984/1491 - Erection of 3 bungalows & double garages GRANTED CONDITIONALLY 20/12/84

RB2001/1254: Garage - GRANTED CONDITIONALLY 17/10/01

RB2016/1679: Erection of 1 No. bungalow – WITHDRAWN 13/03/17

Proposal

The proposal is for the erection of a single detached 3 bedroom bungalow that would be built on land to the rear of No. 125 Laughton Road. The application as originally submitted would have been accessed off Howards Close to the side with a separate planning application RB2016/1679 for another detached bungalow to be built to the side of No. 125 Laughton Road at the front of the site.

However, further to negotiations with the applicant the application to the front of the site has been withdrawn. In addition, due to problems obtaining access from the private drive of Howards Close, the access would be taken from the existing access off Laughton Road running along the side of No. 125 with the boundary with Howards Close.

The bungalow would be built on land that dog legs behind Nos. 121 & 123 Laughton Road on land that is much lower than the host property. The bungalow would measure 12.7 metres in width with a depth of 8.5 metres. The height to the eaves would be 2.4 metres and the height to the ridge of the roof would be 4.6 metres.

The bungalow would be constructed of brick with a concrete tiled roof. The windows and doors would be uPVC.

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) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for residential purposes in the UDP and is proposed to be carried forward under the Rotherham Local Plan: Publication Sites and Policies – September 2015. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS28 'Sustainable Design'

CS25 'Dealing with Flood Risk'

Unitary Development Plan 'saved' policy(s):

Policy HG4.4 'Back Land and Tandem Development'

Rotherham Local Plan: Publication Sites and Policies – September 2015 policy(s):

Policy SP13 'Development on Residential Gardens'

Other Material Considerations

Supplementary Planning Guidance - Housing Guidance 3: 'Residential infill plots'

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/Rotherham Local Plan 'Publication Sites and Policies - September 2015' policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

Publicity

Neighbouring residents were notified of the application in writing and a site notice was posted close to the site. In total 6 objections have been received from neighbouring residents.

The comments received for the application before it was amended were as follows:

- Concerns about the access being taken off Howards Close and the safety issues of using this un-adopted road.
- It is understood that Howards Close is un-adopted and neighbouring residents indicated that they would not allow access to be taken from this road.
- Concerns about the potential for surface water flooding from the site onto neighbouring properties.
- The access should be taken off Laughton Road instead of Howards Close.
- The development could lower neighbouring property values.
- Concerns that the existing mains sewer that No. 125 is connected to is unofficial and that additional capacity added to the sewers could overwhelm them if the dwellings are approved.
- The applicant has cut down mature trees on the site and concerns are raised about the loss of the boundary hedge to Howards Close.
- The development on this garden land is unacceptable in principle.
- The development would ruin our lives.

Additional objections were received to the amended plans which are summarised below:

- Still concerned about the sewerage disposal from the site.
- The applicant is doing this purely for her own financial gain and as such there is no justification for this property.
- The access from Laughton Road is dangerous and would be worse if cars were parked on the road.
- Concerns that the applicant would remove the hedgerow along Howards Close and the impact this would have on wildlife. The removal of this hedgerow could also damage Howards Close.

The Council has also received two right to speak requests from neighbouring residents objecting to the application.

Consultations

RMBC - Transportation and Highways Design: No objections to the amended plans subject to a condition requiring that the parking areas are suitably hard surfaced.

RMBC – Drainage: Raise no objections to the application in terms of drainage impact and subject to a condition requiring the submission of surface water drainage details.

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 issues to take into consideration in the determination of the application are –

- The principle of the development
- Design and impact on the surrounding area
- The impact upon neighbouring amenity
- Highway issues
- Drainage issues
- Other issues raised by objectors

Principle of the development

Rotherham Local Plan: Publication Sites and Policies – September 2015 Policy SP13 'Development on Residential Gardens' states that: "Proposals involving development on a garden or group of gardens, including infill of corner plots, will only be permitted where:

- a. The proposals would allow for a comprehensive scheme in the wider area to be achieved in the future; and
- b. the proposal does not harm the amenity of existing properties by overlooking, loss of light, loss of privacy or obtrusiveness; and
- c. development would not result in harm to the character of the area."

Policy SP13 has been updated in line with the Inspector's Main Modifications to the Council's Sites and Policies Document.

The site is allocated for Residential use in the Rotherham UDP. Paragraph 14 of the NPPF states: "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."

Paragraph 53 of the NPPF notes that "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

The proposed single dwelling would complete development in this backland location. The impact on the amenity of existing properties and impact on the character of the area are discussed further below.

Therefore it is considered that the principle of residential development is acceptable subject to all other material planning considerations being considered to be satisfied.

Design and impact on the surrounding area

In assessing the design of the proposed dwelling and the surrounding area, Policy CS28 – Sustainable Design notes 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.”

Furthermore, 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.”

UDP Policy HG4.4 ‘Back Land and Tandem Development’ states that “The Council will resist the development of dwellings in tandem except in cases of low density where further development would not be detrimental to the amenities and character of the area. In these exceptional circumstances, the Council will impose criteria relating to building height, space around the building, privacy, safety and vehicular access.”

With regards to the appearance of the bungalow it is noted that the property is set back on the plot on a section of the garden that dog legs behind the existing bungalow. In this location the proposed would not be visible within the streetscene of Laughton Road or Steadfolds Close and would only be partially visible, namely the roof, from Howards Close.

It is considered that the dwelling in question would be barely visible within views from the public realm and would not harm the character and appearance of the surrounding area. Notwithstanding this, it is considered that the design and appearance of the bungalow is acceptable and would not appear out of character with the grain and character of the surrounding area.

It is noted that the access drive would run along the edge of the site adjacent to the boundary with Howards Close. It is considered that this is the most obviously suitable arrangement as it would have a lesser impact on the living conditions of the occupants of No. 125 Laughton Road. It is considered to be acceptable in design terms and not to harm the character and appearance of the site or the surrounding area. As such, it is considered that the proposal as a whole is considered to be in accordance with Policy CS28 ‘Sustainable Design’ and guidance contained in the NPPF.

The impact upon 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 should (amongst others):

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;”

‘Saved’ UDP Policy HG4.4 ‘Backland and Tandem Development’ is supplemented by ‘Saved’ Housing Guidance 3: Residential infill plots.” The Council’s inter-house spacing standards outlined within this Guidance indicate 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 guidance goes on to state that “where there is potential for loss of amenity to the adjacent dwellings, the dwelling should be either single-storey with a double pitched roof or should only have rooms in the roof with roof lights.”

Furthermore the South Yorkshire Residential Design Guide (SYRDG) is considered to be of relevance in assessing the appropriateness of this development, in particular Chapter 4A, section A.1, paragraph A.1.1 states “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 sq. metres; for three or more bedroom houses / bungalows, 60 sq. metres. Smaller gardens may be acceptable in corner zones or blocks if privacy and day lighting can be maintained.”

With regards to neighbouring amenity it is noted that objections have been received from neighbouring residents about overbearing impact and overlooking. However, the proposed dwelling would accord with the aforementioned distances and spacing standards and that as the proposed bungalow would be set away from immediately neighbouring properties it would not appear overbearing or harm the outlook of neighbouring residents. In addition, there would be no first floor windows and provided there is sufficient boundary treatment in place, which it is recommended should be controlled by way of condition, then no overlooking would occur from the proposed dwelling.

As such, taking account of the above, it is considered that the proposed development would be in accordance with the advice contained in paragraph 17 of the NPPF and would not harm the amenity of neighbouring occupants.

Highway issues

Turning to the issue of highway safety, it is noted that neighbouring residents have raised concerns in highway safety terms from the construction of a dwelling in this location, namely the access being taken off Laughton Road. However, the Council’s Transportation Unit raise no objections to the proposals in highway safety terms and note that on site turning facilities will be available and a minimum of two car parking spaces provided. As such, they raised no objections subject to a recommended condition relating to the parking areas being suitably hard surfaced. As such, it is considered to be acceptable in highway safety terms.

Drainage issues

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

It is noted that neighbouring residents raise concerns about potential surface water flooding from the site. Whilst this is noted the Council's Drainage engineer raises no objections to the proposals in terms of flood risk, subject to a standard condition regarding surface water drainage details being submitted for approval.

It is noted that a number of neighbouring residents raised concerns about the viability of the public sewers that the new dwelling and the existing dwelling connect into. The sewer issues raised by neighbouring residents have been addressed by the Council's Drainage Engineer directly to a neighbour who contacted the Council as a separate matter.

The Council's Drainage Engineer has commented that the sewer that runs across this site appears to be a public foul sewer, which is the responsibility of Severn Trent Water Ltd. Even if this was a private sewer, it would have become a public sewer in the transfer which occurred in 2011. As this sewer is the property of Severn Trent any issues with regards to connections to this sewer is a separate matter and would be dealt with under Building Regulations.

As such, it is considered to be acceptable in drainage terms subject to the recommended condition.

Other issues raised by objectors.

It is noted that neighbouring residents raised concerns about the potential loss of the boundary hedgerow that runs along the boundary of No. 125 Laughton Road and Howards Close, in terms of visual amenity, wildlife impact and potential impact on Howards Close. Whilst these comments are noted the hedgerow falls outside of the boundary of this site for the new dwelling and the hedgerow is not protected. As such, the applicant could remove the hedgerow at any time without consent from the Council and this cannot be taken into consideration in regards to this application.

It is noted that a neighbouring resident raised concerns about the potential adverse impact on house prices from the proposed dwelling. However, this is not a material planning consideration and cannot be taken into consideration with regards to the assessment of this application.

It is noted that a number of neighbouring residents have objected to the proposal on the basis that the applicant does not intend to live on the site and is only intending to make money on the development. Whilst this is noted it is not a material planning consideration and cannot be taken into account in the consideration of the application.

Conclusion

The proposal for the erection of a bungalow in this location is considered to be acceptable in principle and the bungalow in question would not harm the amenity of

neighbouring residents in terms of overlooking or harm to outlook. Furthermore, the dwelling is of an acceptable appearance and owing to its location would not harm the character and appearance of the surrounding area.

It is considered that subject to the recommended conditions the development is acceptable in terms of highway safety and land drainage.

Therefore Members are respectfully requested to approve the application subject to the recommended 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)

(Drawing numbers, CS/01931/3A)(Received 19/05/2017)

Reason

To define the permission and for the avoidance of doubt.

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

Details of the proposed means of disposal of foul and surface water drainage, including details of any off-site work, shall be submitted to and approved by the Local Planning Authority and the development shall not be brought into use until such approved details are implemented.

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'.

05

No development above ground level relating to the construction of the new dwelling shall take place until details of the external materials to be used in its construction have been submitted or samples of the materials 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 in accordance with Core Strategy Policy CS28 'Sustainable Design.'

06

Prior to the occupation of the dwelling hereby approved details shall be submitted to and approved in writing by the Local Planning Authority of a plan indicating the positions, design, materials and type of boundary treatment to be erected. The approved boundary treatments shall be completed before the dwelling is first occupied and shall thereafter be retained and maintained for the lifetime of the development.

Reason

In the interests of the visual amenity and to prevent overlooking in accordance with Core Strategy Policies CS21 'Landscaping,' and CS28 'Sustainable Design,' and the advice within the NPPF.

Informatives

01

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

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

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. During the consideration of the application further revisions were sought in order to ensure that the scheme would accord with the principles of the National Planning Policy Framework.

Application Number	RB2017/0464
Proposal and Location	Change of use from dwelling house (Use Class C3) to residential institution (Use Class C2) at 34 Dale Hill Road, Maltby, Rotherham S66 8AG
Recommendation	Grant subject to conditions

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



Site Description and Location

Number 34 Dale Hill Road is a detached two storey brick and concrete tiled roof house located on the north side of Dale Hill Road within an established residential area which comprises of a mix of dwelling types.

The property has an open landscaped frontage incorporating a stepped pedestrian access path leading onto Dale Hill Road with vehicular access available to the rear served off the cul-de-sac of Haids Close, which further serves a number of existing and similar properties at Dale Hill Road and Haids Close along with a garage court.

The dwelling has a flat roofed detached garage set within its rear garden along with a hardstanding capable of providing a total of 2 no off street spaces. The rear garden at the application site is enclosed with 2m high fencing.

Background

There are a number of historic applications relating to the original residential development of the wider estate during the period 1972 – 1978.

A further application for the erection of a two storey extension was granted on 03/03/86 under reference RB1985/1579 but appears not to have been implemented.

Proposal

The application as submitted seeks a change of use from the dwelling house (use class C3) to a residential institution (use class C2). The applicant has submitted supporting information detailing what the change of use would entail which in summary states:

- The property is to be used as a young person 'Looked After' residential home.
- The proposed occupiers are three (non disability) mixed gender people within the 3 – 17 year age range from within the Borough who are in need of care..
- Eight staff would be employed on a 24 hour / 7 day a week basis on a 2 person shift basis.
- Normal shift patterns would be 8am until 3pm / 2pm- 10pm and then sleeping in.
- Parking is allocated at the rear of the property, and there should be no more parking required than any normal family.
- No internal/external alterations are proposed, with the layout keeping existing number of bedrooms and ground floor layout.
- The property will be modernised from a decor perspective, for example new bathroom/kitchen etc.
- Disposal of refuse would be normal domestic.
- Drainage system would remain as is the current arrangement.

Supplementary information has been provided from the applicant in response to additional questions raised from objections, although in responding to such matters the applicant does not consider these to have any bearing upon the planning merits of the scheme.

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) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

The application site is allocated for residential purposes in the UDP and this is proposed to be carried forward under the Rotherham Local Plan: Publication Sites and Policies – September 2015. For the purposes of determining this application the following policies are considered to be of relevance:

Core Strategy policy(s):

CS14 'Accessible Places and Managing Demand for Travel'
CS27 'Community Health and Safety'

Unitary Development Plan 'saved' policy(s):

HG4.6 'Sheltered and Supportive Housing'
ENV3.7 'Control of Pollution'

Rotherham Local Plan: Publication Sites and Policies – September 2015 policy(s):
SP12 ‘Development in Residential Areas’
SP58 ‘Design Principles’

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/Rotherham Local Plan ‘Publication Sites and Policies - September 2015’ policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application. The emerging policies within the Sites and Policies document (September 2015) have been drafted in accord with both the NPPF and the Core Strategy. As such the weight given to these policies is limited in scope depending on the number and nature of objections that have been received.

Publicity

The application has been advertised by way of site notice and neighbour notification letters to adjacent properties. A total of eight individual letters of representation have been received which can be summarised as follows:

Principal:

- No need to change into business use as this has been a residential estate for 40 years.
- The property in question is in the Hellaby Ward but it affects the people of Maltby more than the people of Hellaby.
- There have been other homes similar, in Maltby, over the years which have been closed down due to behavioural issues from the young people.
- There must be premises in the Borough more suitable?

Parking and access:

- Access to the garage court at the rear is problematic where the kerb meets the road allowing only 4x4 vehicles to access the garages.

- The garage and parking space at this property are not in use due to a dangerous access which causes vehicles to ground. This is also an issue for accessing Numbers 26 – 32 Dale Hill Road.
- There is little other parking in the area.
- Dale Hill Road is very busy with traffic and also a bus route making parking difficult.

Amenity:

- The property is not suitable for institutional use because it has a small yard which overlooks the gardens and bedroom windows of the adjacent properties.
- Changes in levels will further lead to privacy issues and residents being overlooked.
- Noise and disturbance from use of garden will be an issue to existing occupiers of properties, many of whom are retired or elderly. There will be people coming and going at all hours causing problems for the residents
- Proposed occupiers who need to be rehabilitated back into society are not appropriate in this area, particularly as Maltby has very limited social meeting places for our teenagers.
- Putting occupiers in an area very populated with retired people will not be good for them or existing neighbours.
- Children using the exiting grassed area on Hays Close will be subjected to antisocial behaviour (i.e. vulnerable young people will attract more vulnerable young people i.e. friends and acquaintances which will then form gangs).

Other matters:

- Application is lacking in detail and needs the input of other RMBC Departments / Officials and other agencies such as Ofsted.
- The proposed care plan leaves much to be desired and seems to have no objective but to be a pure profitable venture.
- The applicant needs to provide a full business/operations model for every aspect of the project to ensure that Children and Young People are adequately safeguarded and that local residents in the community are protected.
- The title deeds for dwellings states you cannot run a business from them.
- The property has a small open-plan front garden facing a busy main road which will result in health and safety issues.
- Concerned over responsibilities for the upkeep of the property, including the hedges, tree in both the front and back gardens, and general maintenance.
- Proposal will devalue surrounding properties.

Parliamentary candidate Sir Kevin Barron has also received letters from constituents and wishes to be kept informed of concerns.

In addition a petition of 61 Signatures has been received objecting to the proposal. The applicant and three objectors have indicated a Right to Speak.

Consultations

RMBC – Transportation & Design: References that although the applicant considers the proposed use will generate no more parking demand than any normal family, it

is considered that the existing garage and parking space facilities (whilst capable of parking a family car within the curtilage) will prove inadequate, particularly at shift changes. This could result in vehicles being parked in Dale Hill Road in the vicinity of the junction with Upperfield Road or in the turning head at Hays Close.

However, it is not considered that any such indiscriminate parking would result in a severe impact over the relatively short periods of time during changeover of staff, therefore no objections are raised to the granting of planning permission.

RMBC - Environmental Health: Does not envisage any significant loss of amenity by virtue of noise, air quality or land pollution impact and as such raise no further comment.

RMBC - Children & Young Peoples Services: Raises no objections to the proposal from a planning perspective and further comment that all new children's homes / assisted living accommodation established in the UK have to be registered with Ofsted and are subject to a full inspection and review inspection annually.

RMBC – Building Control: Confirms that internal alterations and fire and safety matters can be controlled under the Building Regulations.

South Yorkshire Police Architectural Liaison: Based upon the submitted information advises there is no evidence which indicates that criminal behaviour by the proposed residents could be of a significant problem.

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 issues to take into consideration in the determination of the application are –

- Principle
- Residential amenity
- Highways issues
- Other material considerations

Principle:

'Saved' UDP Policy HG4.6 'Sheltered and Supportive Housing,' seeks to ensure that in determining applications, the Council: "...will permit the provision of sheltered or supportive accommodation, care homes and nursing homes in residential areas, for people in need of care and support, provided that:

- (i) a concentration of these forms of accommodation does not seriously interfere with the amenities of existing residents,
- (ii) adequate provision is incorporated into any development to accommodate off-street parking for residents and visitors, and
- (iii) appropriate provision is made for the laying out of open space and landscaped areas for the enjoyment of the residents.”

Policy SP12 ‘Development in Residential Areas’ of the Rotherham Local Plan: Publication Sites and Policies – September 2015 states:

“Residential areas identified on the Policies Map shall be retained primarily for residential uses. All residential uses shall be considered appropriate in these areas and will be considered in light of all relevant planning policies.”

The NPPF further notes at paragraph 7 that there are three dimensions to sustainable development; economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles, including: “a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being.”

The NPPF at paragraph 17 further notes that planning should: “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.”

The NPPF further observes at paragraph 69 that: “The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities,” and further remarks that: “Planning policies and decisions, in turn, should aim to achieve places which promote (amongst others) safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.”

In considering the above, this property is currently a detached dwelling and is allocated for Residential purposes in the adopted UDP and the emerging Local Plan. It is proposed to use the building for ‘looked after’ young people accommodation with 24 hour / 7 days a week support for up to three people of mixed gender between the ages of 3-17 years from within the Borough who are in need of care. This is primarily a residential use and is, therefore, acceptable in principle in this residential area. There is no concentration of this form of accommodation in the area. The garden area is considered appropriate in size for the maximum three children and two carers that would occupy the property at any one time. The parking provision is discussed further below.

In view of the above it is considered that the principle of the residential care facility is acceptable in this location.

Residential amenity

The NPPF strives to ensure within its 12 core principles at paragraph 17, that planning should seek: “...a good standard of amenity for all existing and future occupants of land and buildings.”

Core Strategy Policy CS27 'Community Health and Safety,' supports development which protects, promotes or contributes to securing a healthy and safe environment and minimises health inequalities.

Furthermore the NPPF at paragraph 123 notes that planning decisions should aim (amongst others) to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; and
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

In response to the comments received from residents in regard to overlooking issues to adjacent occupiers, it is noted from the application particulars that the proposal does not involve changes to the overall layout or external alterations of the dwelling to that which currently exists. Therefore it is not considered that any loss of privacy would occur in this regard.

In relation to the provision of amenity space, the South Yorkshire Residential Design Guide seeks to ensure that back gardens of new houses should be appropriate to the size of the property, its orientation and likely number of inhabitant, noting that private gardens for three or more bedroom houses/bungalows to be a minimum 60 square metres. Taking account that this is a long established existing property, the garden area is considered appropriate in size for the maximum three children and two carers that would occupy the property for this use.

On the matter raised as to potential noise and disturbance from users of the garden being of issue to occupiers of adjacent properties it is not considered, taking account as to the proposed number of occupiers i.e. three children and two adults, that this would be sufficiently different in use to the current residential use of the property for an objection to be raised.

It is acknowledged that during staff changeover times there could be the potential for noise and disturbance from vehicles manoeuvring, however these changes would occur during the daytime and there is no evidence to suggest that the movements to and from the site at these times would be significantly different from those generated by a single family household that would be disturbing to local residents. Additionally it is not considered such movements would further result in an intensification of use which would demonstrably harm the residential character of the area.

In assessing all of the above, Environmental Health does not envisage any significant loss of amenity by virtue of noise, air quality or land pollution impact and as such raises no objection to the application.

It is therefore considered that the proposal accords with Core Strategy Policy CS27 'Community Health and Safety,' as well as the advice within the NPPF.

Highway issues

Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel,' seeks to locate new development on key bus corridors which are well served by a

variety of modes of travel (but principally by public transport), and enabling walking and cycling to be used for shorter trips.

The NPPF notes at paragraph 32 that: "...development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

When assessing the above it is noted the property is a modest family sized detached dwelling with pedestrian access located off Dale Hill Road located in an established residential street and is set on an existing bus route which contains traffic calming measures. The property is set close to the junction with Upperfield Road which is also a residential street. No parking restrictions are evident or apply in respect of these public highways.

Vehicular access to the property is achieved off Hais Close at the rear of the site which is a cul-de-sac containing a turning facility and is shared by a number of residential properties along with a garage court which serves other properties on Dale Hill Road.

In assessing the application, Transportation and Design consider the comings and goings from the building will mainly be determined by the shift pattern of staff; and by likely visitors, and these could generate more traffic than the existing dwelling occupied as a single household. It is however acknowledged that in this instance the property is well served being on a bus route and therefore other alternative methods of accessing the property are a significant possibility particularly for staff attending work. Therefore in order to promote sustainable transport choices, the imposition of the suggested condition detailing how encouragement as to the use of sustainable / public transport is recommended.

On the matter of parking, it is acknowledged that demand, for on-site parking provision, may prove inadequate particularly during shift changes which could result in vehicles being parked in Dale Hill Road in the vicinity of the junction with Upperfield Road or in the turning head at Hais Close. However, Transportation and Design do not consider that the issues of intensity and indiscriminate parking would overall be deemed to be of such an impact or of such severe harm over the relatively short periods of time during staff change over to warrant a refusal of permission in this case, particularly considering that staff could access the site via other modes of transportation.

Other material considerations

The NPPG at paragraph 008 Reference ID: 21b-008-20140306 notes that: "A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission).

The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations."

Paragraph 009 Reference ID: 21b-009-20140306 to the NPPG further advises: "The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided it has regard to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight."

In considering the additional comments received in relation to this application, these are primarily concerned as to the overall operation and applicant's credentials for such a business; fear of antisocial behaviour; crime related issues; property devaluation; and matters surrounding private deeds / covenants.

On the matter of operation, it is evident from the supporting emails to accompany the application that the property is to be run to emulate a single family home. The children, aged between 3 and 17 years, would attend nursery and primary / secondary schools and outside activities as well as being encouraged in social pursuits. The level of supervision from the carers is dictated by the age of the children and their individual circumstances but shares a common theme with family homes generally where there is a need to foster a child's growing independence and ability to cope in the modern world.

The concerns regarding the future operation of the facility are outside of Planning Controls however the Council's Children & Young Person Service (CYPS) have been asked for advice and state that any children's homes established in the UK would have to be registered with Ofsted and would be subject to a Full inspection and review inspection annually. They would also be subject to assessment visits by officers from the Council that place children in the home.

In addition the Children's Home Regulations 2015 stipulate that an independent visitor should visit the home on a monthly basis and write a report this would be sent to the placing LA as well as Ofsted

Further advice has also been requested in relation to other concerns raised by local residents and CYPS acknowledge that children's homes within the community do often raise the anxieties of existing residents, and experience gained indicates that those children which may for example have suffered separation and loss as well as numerous placement moves or with ranges of challenging behaviour can present staff and organisations with difficult behaviour.

However, smaller 'family based' facilities such as the facility being proposed at Dale Hill Road offer permanence and the same opportunities as other children to be of a better 'model' so as to support the Council's sufficiency strategy (i.e. the aspiration to offer the best possible opportunities for our children and young people as part of our corporate parenting responsibilities and which includes: the standard of accommodation, the area in which children grow up, schools children may attend and the support they receive) along with the Council's overall commitment to support more young people within the Borough.

In relation to concerns raised regarding fear of antisocial behaviour and crime related issues, paragraph 69 to the NPPF seeks to ensure that planning decisions

should aim to achieve places which promote (amongst others) safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. In relation to this proposed development the concerns of residents are noted however these matters ultimately would be controlled through the management of the site and in consultation with other Council Services and external agencies.

In commenting further upon this issue, the Police Architectural Liaison officer having read the applicants response understands the points raised, has, however, advised there is no evidence which indicates that criminal behaviour by residents could be of a significant problem.

Therefore taking account of the limited number and potential ages of occupants, there is nothing convincing to suggest that the potential risk from crime is expected to be high and therefore consequences for local residents to be serious and therefore insufficient weight in the overall planning balance can be afforded to warrant a refusal on planning grounds.

Other concerns raised in regard to ownership deeds, stipulating that running a business from this property is not permitted and devaluation of adjacent properties are noted, however although of material consideration in the determination of this application, the weight afforded to these issues is considered to be minimal as these are covered under separate private / legal resolution. A suitably worded informative is however recommended to ensure that the applicant is made aware of such matters.

Conclusion

In conclusion, having taken all of the above into account it is considered that the proposed change of use from residential (class C3) to residential institution (class C2) is acceptable in this location without being visually harmful to the overall residential character of the locality nor would it have any significant impact on the amenities of existing or proposed occupiers. Neither is it considered to have any detrimental effect upon parking or highway safety considerations. It is however, recommended that a suitably worded restrictive condition for the number of occupants and type of use is imposed to ensure that the proposal does not intensify or change within the same C2 use class.

Therefore it is recommended subject to the suggested conditions that the application be granted conditionally.

Conditions

01

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

Reason

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

02

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

Reason

To define the permission and for the avoidance of doubt.

03

The use of the property shall be restricted to that of a residential institution and shall be managed as a housing facility, for a maximum of three residents ranging between the ages of 3 – 17 only and for no other purpose (including other purposes defined in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

In the interests of residential amenity as the premises are not considered suitable for general use within the Class quoted in accordance with Core Strategy Policy CS27 'Community Health and Safety,' and 'saved' UDP Policy HG4.6 'Sheltered and Supportive Housing'.

04

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 in accordance with Core Strategy Policy CS14 'Accessible Places and Managing Demand for Travel'.

Informative(s):

01

INF 20 Deeds/Covenants/Rights of Access

The granting of this permission does not override any restriction / requirement set out in any deeds or covenants relating to the site or any right of way that may exist over the site. These are separate matters that need to be resolved accordingly before development can take place.

POSITIVE AND PROACTIVE STATEMENT

The applicant did not enter into any pre application discussions with the Local Planning Authority, although during the determination of the application the Council sought further clarification on matters so as to ensure that the proposal was in accordance with the principles of the National Planning Policy Framework.

Application Number	RB2017/0581
Proposal and Location	Outline application for the erection of 9 no. dwellinghouses including details of access at land at East of Welling Way and Crane Drive, Kimberworth, Rotherham, S61 1NN for Keyland Developments Ltd.
Recommendation	Grant subject to conditions

This application is being presented to Planning Board due to the number of objections received as detailed in the Council's Scheme of Delegation.



Site Description and Location

The application site is located approximately 3km to the west of Rotherham Town Centre, on land to the east of Welling Way and Crane Drive and is part of the wider active Kimberworth Water Treatment Works site.

To the north and east of the site are two covered water reservoirs associated with the Water Treatment Works. The graveyard of Saint Thomas Church runs adjacent to the southern boundary of the site. To the west, the site is bounded by residential properties.

The site comprises of 0.6ha of undeveloped grassland, which does not perform any operational role in relation to the adjacent reservoirs. The site is relatively flat, although there is a slight difference in land levels with Welling Way and Crane Drive.

The application site, along with the wider Water Treatment Works is surrounded by security fencing, with no public access to the site. The Water Treatment Works is currently accessed via a narrow access road / track between 5 Wilding Way and 10 Manor Fields.

Crane Drive is a short straight cul-de-sac accessed off Fellowsfield Way. There are 7 dwellings comprising of two-storey detached and semi-detached houses and detached bungalows. The road is narrow with a grass verge and footpaths along either side.

Welling Way is also a short cul-de-sac accessed off Fellowsfield Way and there is a slight curve in the road. There are 6 dwellings on Welling Way, which comprise of two-storey detached and semi-detached houses and a detached bungalow. There are also the side boundaries of 34 and 36 Fellowsfield Way running along the street. The road is narrow with a grass verge and footpath on either side. The grass verges along the street have trees planted within.

Background

There have been no previous planning applications submitted relating to this site.

Proposal

The application seeks outline planning permission for residential development. An indicative layout has been submitted which shows how the site could be laid out to accommodate 9 dwellings, along with an area of public open space and off-road parking.

The development would be accessed via a continuation of Crane Drive for vehicles. To accommodate the additional vehicles, it is proposed to widen the carriageway of Crane Drive to 5.5m wide by removing the grass verges.

The internal access road is proposed to comprise a shared surface. Provision for a turning head for refuse and service vehicles has been made at the northern end of the site.

A further pedestrian / cycle access will be provided to the north of the site, linking through to Welling Way.

The indicative layout plan shows how the dwellings could be arranged and how they will relate to the existing dwellings on Crane Drive and Welling Way. Indicative site section plans have also been provided to show the change in levels between the existing properties and the application site.

No details of the type of dwellings to be provided or their detailed appearance have been submitted as these matters would be reserved for future approval but it is likely that the dwellings will be two-storey and consist of semi-detached and detached properties.

The indicated layout plan shows each dwelling having space to accommodate sufficient parking on driveways and garages. This plan also shows an informal area of public open space to the south of the site, each property also benefits from a grassed lawn and new trees / shrub planting within both its front and rear garden. A detailed landscaping scheme with species and other details would be required at reserved matters stage.

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

Design and Access Statement

The statement provides an overview of the site and site context and details of the indicative masterplan.

Planning Statement

The statement provides details of the site, the planning history, the layout of the proposal, access and landscaping considerations and planning policy context.

Transport Statement

The statement details that the width of Crane Drive is to be increased to allow for a wider carriageway. The proposal encourages sustainable modes, and is within walking distance to local facilities and bus routes.

The statement forecasts that the proposal is expected to generate circa 7 two way vehicular trips during the local highway network AM peak and 7 during the PM peak hour. This is minimal and taking into consideration daily fluctuations in traffic flows is unlikely to be noticeable on the local highway network. Therefore the statement concludes that the proposal will not give rise to any negative impact on the local highway network.

Ecological Appraisal

The appraisal notes that the site is almost entirely occupied by a single species-poor habitat. The site represents land of very low wildlife value and development presents little risk of impacting upon any designated sites or specially protected species.

To prevent the proposed works impacting on nesting birds, clearance of scrub should be undertaken outside of the breeding bird season which is 1st March -31st August inclusive.

The report also puts forwards opportunities to deliver ecological enhancement to the site, such as planting native species rich hedges and properties including artificial bat and bird boxes.

Phase 1 Environmental Report and Coal Mining Risk Assessment

The report concludes that there are no significant land quality risks associated with the site. The site is in a coal mining area and the report states that the risk of ground subsidence associated with any deep working is dismissed, however local coal outcrops which could have been worked at or near to the surface in the 1850s are unrecorded.

The report recommends that an intrusive ground investigation is undertaken to assess risk of previous shallow coal mining activities.

Flood Risk Assessment

The FRA confirms that there are no watercourses located within the vicinity of the site. The site is entirely within Flood Zone 1, which is land considered to be at low risk of fluvial flooding. The proposed development is classed as 'more vulnerable', which is considered acceptable in terms of flood risk in Flood Zone 1. The site is at negligible risk of flooding.

The FRA has also considered the potential impact of the development on surface water runoff rates. The surface water management strategy for the proposed development will manage and reduce the flood risk posed by surface water runoff from the site. Surface water and foul flows from the site can be managed such that flood risk to and from the site following the development is not increased.

Tree Report

The report states one tree and one group were allocated moderate retention values, one tree was allocated as low retention value, and one tree and one group were classed as unsuitable for retention regardless of development. The development will not require the removal of any trees, and those trees to be retained should be protected during the construction phase of the development. None of the trees / group of trees at the site would meet the requirements of being protected.

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) (noted in Appendix B of the Core Strategy). The Rotherham Local Plan 'Publication Sites and Policies' was published in September 2015.

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):

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'
CS33 'Presumption in Favour of Sustainable Development'

Unitary Development Plan 'saved' policy(s):

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

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 / Rotherham Local Plan ‘Publication Sites and Policies - September 2015’ policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Further to the above, guidance set out within the following documents are also relevant in assessing this application:

Rotherham’s adopted Supplementary Planning Guidance (SPG) ‘Residential infill plots’

Rotherham’s adopted Parking Standards

South Residential Design Guide

The South Yorkshire Residential Design Guidance (SYRDG) has been adopted by Barnsley, Doncaster and Rotherham Councils. This guidance relates to issues of unit size, minimum room dimensions and amenity space. Whilst the SYRDG has a threshold of 10 dwellings, it also indicates that the Guide is underpinned by the principles in Building for Life (BfL). Many of the design guidelines are appropriate to smaller developments and the guidelines and assessment criteria in this Guide will be used as the main point of reference when assessing schemes of less than ten dwellings.

Publicity

The application has been advertised by way of a site notice posted at the junction of Welling Way and Fellowsfield Way and at the junction of Crane Drive and Fellowsfield Way on 28 April 2017 along with individual neighbour notification letters to properties that abut the site. 7 letters of representation have been received from individual addresses.

The issues raised are summarised below:

- I bought my home on Crane Drive due to the quiet cul-de-sac which has little passing traffic. The proposal will alter the streetscene of Crane Drive.
- Why can’t the current access to the Water Treatment Works be used?
- Why is Crane Drive being used instead of Welling Way?
- The proposal will devalue properties.
- The proposal will impact on the character and appearance of the area and restrict views out of properties over the open land to the east.

- There are concerns of the Coal Mining Report and the fact that the development is close to a public water supply.
- The proposal will add to the traffic congestion created by the shops and school on Fellowsfield Way and make it more hazardous for cars entering and exiting Crane Drive.
- The safety aspect of the development needs to be given careful consideration
- My deeds state that The County Borough of Rotherham shall "not work" the land known as Kimberworth Reservoir. I trust that you will agree that to develop part of the land is to "work" it. I look forward to your confirmation that the above planning application will be "refused" by Rotherham MBC.
- The dust created by the heavy vehicles will affect my asthma and overall health.
- The proposal will disturb contaminated land at the building site and Crane Drive.
- The proposed widening of the Crane Drive will disturb the contaminated soil causing a health hazard to the area of my home and nearby residents.

Consultations

RMBC - Transportation and Highways Design: Have no objections subject to conditions.

RMBC - Leisure and Green Spaces Manager: The development is below the minimum threshold for requiring provision of new open space. However the indicative layout includes a small area of open space which is welcome, subject to adequate provision being made by the developer for its long-term management and maintenance.

RMBC - Tree Service Manager: Have no objections subject to conditions.

RMBC - Landscape Design: Have no objections subject to conditions to cover the submission of a detailed landscape scheme together with information on detailed aftercare.

RMBC – Drainage: Have no objections from a drainage or flood risk perspective.

RMBC - Affordable Housing Officer: Have no objections as there is no requirement to provide a contribution.

RMBC – Ecologist: Has no objections subject to conditions.

RMBC - Land Contamination: Have no objections subject to conditions.

The Coal Authority: Have no objections subject to a condition being imposed requiring intrusive site investigation works be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

Yorkshire Water: Have no objections subject to conditions.

South Yorkshire Archaeological Service: Have stated there is no archaeological provision required.

Sheffield Area Geology Trust: Has no objections.

National Grid: Have made no comment on the application.

Natural England: Have made no comment on the application.

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 issues to take into consideration in the determination of the application are –

- The principle of the development
- Design and Layout
- Transportation Issues
- Drainage and Flood Issues
- Landscape and Ecology
- General Amenity Issues
- Land Contamination
- Other Considerations

Principle

The site is allocated for residential purposes in the UDP and located within close proximity to local services and public transport services on Fellowsfield Way, High Street and Upper Wortley Road. Therefore it is acknowledged that the site is within a highly sustainable location. In addition, the proposal would comply with 'saved' policy HG4.3 given the application site is allocated for residential purposes, surrounded by residential properties within a built-up residential area, and as such the proposal would be compatible with the land use of the site and adjoining residential uses.

Notwithstanding the above, given the character of the site as undeveloped grass land within an otherwise built-up area, it is considered appropriate to assess the land as incidental urban greenspace. Policy ENV5.2 states: "Development that results in the loss of small areas of Urban Greenspace not identified on the Proposals Map will only be permitted in the same circumstances outlined in Policy ENV5.1."

Policy ENV5.1 states: "Development that results in the loss of Urban Greenspace...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..."

In this instance the land in question is private land, with no public access to it from the surrounding residential estate. Accordingly, the land is not used by the local community for recreational purposes and as such offers no community benefit. Therefore, its loss would not be in conflict with the aforementioned policy. However, as the proposal shows a pedestrian access to the site from Welling Way and a large area of public open space to the south-east corner it can be argued that the development will enhance the local urban greenspace provision by opening the site up to the local community for recreational purposes.

In addition to the above, policy CS6 of the Core Strategy states housing development will be expected to make efficient use of land while protecting and enhancing the character of the local area. It is considered that given the location of the site and its size the proposal will make an efficient use of this site and will enhance and protect the character of the local area.

Accordingly, in light of the above the principle of residential development on this land would be acceptable and would comply with the policies within the NPPF, Core Strategy and UDP.

Therefore as specified in the NPPF planning should be granted unless "any adverse impact of doing so would significantly and demonstrably outweigh the benefits."

Design and layout

It is noted that issues around layout, scale and appearance are not being considered under this application, however the applicant has supplied an indicative site layout which shows how the dwellings could be sited around the internal access road, the footprint of the dwellings, the amount of parking and garden space provided and how they might relate to the existing dwellings on Crane Drive and Welling Way.

It is considered that the proposed indicative site layout plan shows a well laid out development where each dwelling is provided with a good amount of private rear amenity space in excess of that detailed in the South Yorkshire Residential Design Guide and an appropriate number of off-street parking spaces. The layout also indicates that each dwelling would be a suitable distance away from existing dwellings and their private rear amenity spaces.

It is therefore of note that the indicative layout would be in compliance with policy HG5 which encourages the use of best practice in housing layout; policy CS28 insofar as the layout is responsive to its context and provides appropriate landscaping that would improve the character and quality of the area; and paragraphs 17, 56 and 57 of the NPPF.

Highways

Under this current outline application access to the site is to be fully considered.

The applicants have indicated that they intend to access the site via Crane Drive for vehicles and via Welling Way for pedestrians / cyclists.

It is considered that whilst both Crane Drive and Welling Way are currently of limited width which would be unsuitable to cater for further traffic generated by additional development. Crane Drive can be readily increased in width within the existing highway verges due to the street not being tree-lined unlike Welling Way.

The current proposal indicates that Crane Drive will be increased in width to 4.8m wide. The widening of Crane Drive is required to ensure the carriageway width complies with current guidelines. The Council's Transportation Unit have no objections to the widening of Crane Drive as detailed and the access to the site subject to conditions. Therefore, the access to the site is considered to fully comply with the requirements and provisions detailed within the NPPF and Core Strategy, together with the guidance detailed in Manual for Streets and South Yorkshire Residential Design Guide.

It is also of note that the proposed indicative layout shows on site car parking and manoeuvring to comply with the Council's standards and guidance, as each dwelling will be provided with the required amount of off-street parking spaces and the manoeuvring / turning head proposed is sufficient to cater for a refuse vehicle.

It is acknowledged that a number of objectors raised the same issues regarding the highway impact of the proposed development, which included issues regarding increased traffic numbers / congestion along Fellowsfield Way; why Crane Drive couldn't be used; and why can't the existing access to the Water Treatment Works be used?

In respect of traffic and congestion along Fellowsfield Way, the existing issue is created by the shops and the school, but as detailed in the submitted Transport Assessment the number of additional vehicular movements created by 9 dwelling houses would be minimal (approximately 7 two-way vehicular trips during both AM and PM local highway network peaks) and would not materially alter daily fluctuations in traffic flows. In addition, residents leaving the site via Crane Drive will either turn left down Fellowsfield Way towards Winterhill School, or turn right up Fellowsfield Way towards its junction with Wortley Road. It is therefore considered that the introduction of 9 dwellings will not give rise to any negative impact on the local highway network.

Furthermore, the existing access to the Water Treatment Work cannot be used as it is not wide enough to cater for two-way traffic flow and it is not capable of being widened particular at its junction with Wilding Way as it would require the purchase of gardens.

Drainage and Flood Issues

The site is located within a Flood Zone 1, which is land considered to be at the lowest risk of fluvial flooding. The drainage information submitted is indicative only at this stage and proposed drainage details along with surface water flow restrictions will be considered if and when a reserved matters application is submitted.

The Flood Risk Assessment (prepared by Enzygo - Report dated March 2017) is acceptable. In summary it states that foul water will discharge to public combined sewer and the use of infiltration techniques for surface water drainage will be investigated in due course. The site is remote from the watercourse. As a last resort and subject to providing satisfactory evidence as to why the other methods of surface water disposal have been discounted, curtilage surface water may discharge to the public combined sewer network. The surface water from the site is understood to require pumping and therefore should form part of the total (i.e. foul and surface water) restricted discharge of 5 (five) litres/second.

In addition to the above, Yorkshire Water have stated that there are two live treated water mains of 6" and 10" diameter laid within the existing access road from the Yorkshire Water site and out into Welling Way. Yorkshire Water note that it is essential that access to these strategic pipes is maintained and that they are protected during all phases of the development, including the construction phase. Yorkshire Water note that it appears that the property number 6, as marked on the submitted indicative site layout, could intrude into the 5 metre stand-off distance required to ensure the pipes are protected (the 10" main is closest to the property). In addition it is noted that there may also be trees proposed within the requested stand-off distance.

Notwithstanding the above, Yorkshire Water note that as the current application is for outline permission only, it is therefore subject to change at reserved matters stage and the site layout in relation to the existing public water supply infrastructure will be clarified at reserved matters. Yorkshire Water has therefore recommended two conditions in order to ensure the development protects the local aquatic environment and Yorkshire Water infrastructure.

Further to the above, the Council's Drainage Engineer has indicated that they would not anticipate much difficulty in resolving the drainage details to satisfy planning requirements.

Landscape, Trees and Ecology

In respect of landscape these issues are to be considered at detailed stage and the information provided on the site layout plan is indicative.

Notwithstanding the indicative nature of the landscape proposals, the Council's Landscape department are supportive of the proposals for trees to line the avenue. In addition, the detailed design would need to provide specific details of tree locations and species selection having regard to ground conditions and building foundations. Furthermore, details of planting to frontages of the properties will need to be provided to help soften the streetscene and increase / promote biodiversity, and consideration will need to be given to size and spread of species around car park spaces, site services and easements or restrictions under power cables.

The Public Open Space provision in the south-east corner of the site is welcomed and will provide existing and future residents with an area of community / recreation space which does not currently exist due to the site being wholly private. The applicant will need to confirm that this area along with all other landscaped areas outside of private ownership can be managed and maintained through a landscape management company.

The application is supported by an Arboricultural Impact Assessment Report from Bowland Tree Consultancy Ltd dated, 27 March 2017. It contains details of 5 items of vegetation including 3 individual trees and 2 groups of trees of which they all appear to be sited outside the site boundaries, apart from T1. The trees are categorised in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction. The contents of the report are noted and generally accepted.

Of the existing trees those identified as 'B' category trees are the better quality trees with reasonably good future prospects. The retention of the better quality trees is desirable, particularly when they will continue to contribute to wider amenity

As the proposals stand all the existing trees are shown to be retained and their future prospects safeguarded throughout any development. The retention of the better quality amenity trees in particular is welcomed to help continue to contribute to local amenity. The site layout appears to have taken into account their presence and the space around them necessary to help safeguard their future prospects throughout any development in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction.

The future prospects of the retained trees will need to be safeguarded throughout any development and this in part may be achieved by temporary barrier fencing in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction and the submitted Arboricultural Impact Assessment. However, at present no details have been submitted in respect of the proposed position of the fencing, as such the standard condition is recommended.

In addition, to help ensure the future prospects of the retained trees and hedges are safeguarded throughout any development a detailed Arboricultural Method Statement including a Tree Protection Plan should be included as a special planning condition with any consent.

The Preliminary Ecological Appraisal has a list of recommendations that will need to be considered as part of the detailed submission; these include opportunities for native species rich hedges, hedge rows to separate plots and the use of native stock and species rich wildflower mix. It also advises including artificial bat and bird boxes into the design of the properties for biodiversity gain.

In light of the above and subject to conditions it is considered that proposed development in respect of landscape, trees and ecology would be in compliance with the requirements of policies CS20 and CS21.

General Amenity issues

It is noted that layout and scale are to be addressed under a reserved matters application. However the indicative site layout plan provides an understanding of how the new dwellings will interact with the existing dwellings on Crane Drive and Welling Way in terms of spacing distances and amenity issues.

The NPPF at paragraph 17 states planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The Council's adopted SPG states that there should be a minimum of 20 metres between habitable room windows; 12 metres between a habitable room window and

an elevation with no habitable room windows; and no habitable room window should come within 10 metres of a boundary with another property.

The indicative layout shows that the proposed dwellings on the western side of the internal access would have their rear elevations between 12 and 15 metres from the side boundary of properties on Crane Drive and Welling Way. While on a 45 degree angle from the rear elevation of no. 5 Crane Drive and no. 4 Welling Way there would be between 22 and 24 metres from the rear elevation of the nearest dwelling. Accordingly, the spacing distances of the Council would be exceeded such that the proposal would not give rise to direct overlooking of private amenity spaces or habitable rooms of existing neighboring properties. Therefore, the development would not appear overbearing or overdominant when viewed from neighbouring properties and will not give rise to significant overshadowing given the distance between properties, land levels and orientation of the site the development.

Further to the above, the indicative site layout plan shows that the distance between the proposed dwellings would also meet the required standards, such that future residents would not have their amenity compromised.

In order to reduce the impact of the development during the construction phase a Construction Management Traffic plan is to be submitted as part of any detailed application and the developer will be made aware of their requirements under the Environmental Protection Act 1990.

The Environmental Protection Act covers aspects such as working hours during the construction phase and measures to prevent dust and mud from the construction phase and from lorries coming to and from the site.

In light of the above, it is considered that given the layout of the development, together with the orientation of the site and land levels, the proposal would comply with the requirements of the Council's adopted guidance and the NPPF. Therefore, the proposal would not appear overly dominant or overbearing when viewed from surrounding properties and would not give rise to any overshadowing or privacy issues.

Land Contamination

The application site comprises a parcel of unused land formerly owned by Yorkshire Water. Historically the site appears to have remained unused land until approximately 1935 when the land became part of a larger site occupied by 2 reservoirs. This remained the case to the present date and the reservoirs to the east of the site still remain although they are covered over.

It is noted that given the history of the on and off land uses there may be some potential for contamination to exist within the surface soils at the site associated with the following sources:

1. Presence of naturally occurring metals within the soil's/subsoil's
2. Potential presence of made ground associated with the sites previous usages by Yorkshire Water.
3. Presence of potential contaminants which may have migrated from the adjacent grave yard site.

In addition to the above the Coal Mining Authority Report has confirmed that the land is in an area where coal may exist at or close to the surface that may have been worked at some stage in the past.

It is also possible that if shallow mine workings are encountered there is potential for mines gas to be present that will also require investigation. The Coal Authority have commented on the scheme separately and have recommended the imposition of a standard condition requiring further site intrusive investigations be carried out before works commence on site. The information should be approved by the Council and any remediation works required also be carried out before works commence on the development. It is likely that the works will be carried out and submitted with the reserved matters application.

In regard to contamination the Council's Land Contamination Officer having reviewed the submitted Phase I Environmental Report state that there may be a risk to human health from contamination at the site. Therefore it is recommended that site intrusive investigation works are undertaken to assess for the presence and extent of contamination along with the risks posed by ground gases. Geotechnical constraints should also be assessed as part of the recommended site investigation works.

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

In light of the above the Land Contamination Officer has recommended a number of conditions be imposed on any approval, which include the carrying out of a Phase II Intrusive Site Investigation prior to works commencing and the submission of the a written report of its findings for approval by the Council before works commence. Subject to the findings in the aforementioned report a Remediation Method Statement may also need to be submitted to and approved by the Council along with a Validation Report. This information is likely to be submitted at the reserved matters stage, and the information required is not out of the ordinary of development sites within the Borough.

It is therefore considered that subject to conditions and the information submitted being acceptable the proposal would not give rise to any adverse effect to humans from contamination.

Other considerations

Issues raised by residents in respect of the impact of the proposal on the character of the area, views out of properties, highways, water supply, land contamination and the Coal Mining Report have been addressed in the report, as they are material planning considerations. However, the issues raised regarding the devaluation of properties and deeds / covenants are not material planning considerations and cannot be taken into account in the determination of planning applications.

Conclusion

Having regard to the above, and the issues raised by the objectors, it is concluded that the issues raised would not warrant a refusal of this application on planning grounds and do not outweigh the fact that the proposed development would

represent an acceptable and appropriate form of development in this sustainable location that would not affect the character or visual amenity of the area, the amenity of neighbouring residents or have an adverse effect on the highway network. Therefore, subject to conditions the application would comply with the relevant national and local planning policies and guidance and is subsequently recommended for approval.

Conditions or Reasons for Refusal

The Development Management Procedure Order 2015 requires that planning authorities provide written reasons in the decision notice for imposing planning conditions that require particular matters to be approved before development can start. Conditions numbered 02, 05, 07, 09, 10, 12, 13, 14, 15, 16 and 17 of this permission require matters to be approved before development works begin; however, in this instance the conditions are justified because:

- i. In the interests of the expedient determination of the application it was considered to be appropriate to reserve certain matters of detail for approval by planning condition rather than unnecessarily extending the application determination process to allow these matters of detail to be addressed pre-determination.
- ii. The details required under condition numbers 02, 05, 07, 09, 10, 12, 13, 14, 15, 16 and 17 are fundamental to the acceptability of the development and the nature of the further information required to satisfy these conditions is such that it would be inappropriate to allow the development to proceed until the necessary approvals have been secured.'

General

01

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

Reason

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

02

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

Reason

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

03

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

(00) 003 Revision E, received 11 May 2017

Reason

To define the permission and for the avoidance of doubt.

04

No dwelling hereby approved shall commence construction above ground level until 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 Core Strategy Policy CS28 Sustainable Design.

Highways

05

Before the commencement of the development, details of the proposed improvements to Crane Drive as indicated in draft form on Drg No 003 Rev E and SK-002 Revision A within the submitted Transport Assessment (Carriageway widening, removal of existing turning head and alteration to the radii at the junction of Crane Drive and Fellowsfield Way) shall be submitted to and approved by the Local Planning Authority. The agreed scheme shall be implemented prior to the commencement on site.

Reason

No details having been submitted they are reserved for approval.

06

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

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

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

Reason

To ensure that surface water can adequately be drained and that mud and other extraneous material is not deposited on the public highway and that each dwelling

can be reached conveniently from the footway in the interests of the adequate drainage of the site, road safety and residential amenity and in accordance with UDP Policy HG5 'The Residential Environment'.

07

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

Reason

No details having been submitted they are reserved for approval.

08

Prior to the first dwelling being occupied, 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.

09

Prior to the commencement of works a Construction Method Statement shall be submitted to and approved in writing by the Council and the approved statement shall be adhered to throughout the construction period. The Statement shall provide for; Storage / loading / unloading of materials / plant; and car parking facilities for the construction staff.

Reason

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

Landscape / Trees

10

The detailed plans to be submitted in accordance with this outline permission shall include a detailed landscape scheme. 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'.

11

Within 5 years of the commencement of the works 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, within this 5 year period, 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'.

12

Prior to the commencement of any development a detailed Arboricultural Method Statement in accordance with BS 5837 Trees in Relation to Design, Demolition and Construction, shall be submitted to the LPA for consideration and approval and the development shall be implemented in accordance with the approved details. The submitted details shall include a detailed Tree Protection Plan.

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

13

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 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', ENV3.2 'Minimising the Impact of Development' and ENV3.4 'Trees, Woodlands and Hedgerows'.

Drainage

14

No building or other obstruction including landscape features such as trees shall be located over or within 5 metres either side of the centre lines of each of the water mains that traverse the site. If the required stand-off distance is to be achieved via diversion or closure of the pipes, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker. Furthermore, prior to commencement of development in the appropriate area of the site, details of the means of protecting the water mains during all phases of the development shall be submitted to and approved by the Local Planning Authority.

Reason

In order to protect the public water supply and allow sufficient access for maintenance and repair work at all times.

15

No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Discharge to existing public sewer shall be limited to a total combined maximum rate of 5 litres a second for foul and surface water, subject to evidence submitted to and approved by the local planning authority that alternative methods of surface water drainage have been fully investigated. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason

To ensure that no foul or surface water discharges take place until proper provision have been made for their disposal.

Site Investigation

16

Prior to commencement of development the following shall be submitted to and approved by the Local Planning Authority:

- a) A scheme of intrusive site investigations;
- b) The undertaking of the intrusive site investigations;
- c) A report of findings arising from the intrusive site investigations;
- d) A scheme of remedial works for approval; and
- e) Implementation of remedial work

Reason

To ensure the safety and stability of the proposed development.

17

Prior to development commencing a limited Phase II Intrusive Site Investigation should be undertaken to assess both the potential geotechnical and geo-environmental constraints at the site. The investigation and subsequent risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The above should be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and Contaminated Land Science Reports (SR2 -4).

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

Subject to 1 above and prior to development commencing, a Remediation Method Statement shall be provided and approved by this Local Authority prior to any remediation works commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters, the site must not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. The approved Remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. The Local Authority must be given two weeks written notification of commencement of the remediation scheme works.

Reason

To ensure 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

If subsoil's / topsoil's are required to be imported to site for remedial works, 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 testing will need to be presented in the format of 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.

20

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

Reason

To ensure 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

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

02

The granting of this permission does not override any restriction/requirement set out in any deeds or covenants relating to the site or any right of way that may exist over the site. These are separate matters that need to be resolved accordingly before development can take place.

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

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake

such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

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.